

NEW CHARTER FOR
KANSAS CITY, MISSOURI

FRAMED BY

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BOARD OF THIRTEEN FREEHOLDERS ELECTED FOR
THAT PURPOSE AT A GENERAL ELECTION
HELD APRIL, 7TH, 1908.

OFFICERS

J. V. C. KARNES,
PRESIDENT.

JAMES W. S. PETERS,
SECRETARY.

OFFICIAL STENOGRAPHER,
ANNA I. DONAHUE.

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Summary of the Proposed Charter.

What Is the Charter?

The charter of the city is its fundamental local law, prescribing its form of government, fixing the powers and duties of its officers and defining the authority of the City Council. Kansas City has the right, under the constitution of the state, to frame its own charter. It is one of the few cities of the United States possessing this privilege.

What is the Matter With the Present Charter?

It was adopted in 1889, when Kansas City was a comparatively small town, both in number of inhabitants and in territorial area. Amendments to the charter were made in 1890, 1892, 1895 and 1903. Some of its sections have been cut away by decisions of the Supreme Court, others are so unsuited to present conditions that they are necessarily disregarded in the daily discharge of the city's business. Its limitations are such that it is inadequate to meet the great problems that are confronting the city today, such as the prevention of floods, the new depot, the Twelfth Street Traffic-Way, and the efficient management and operation of the new city hospital.

The good features of the old charter have been constantly kept in mind, and changes have only been made in those respects in which the decisions of our courts and the practical solution of new problems before the city have demanded changes in or additions to the present city charter.

What is the Proposed New Charter?

It is a substantial reconstruction of the present charter along modern progressive lines, conforming to the general laws of the state, the decisions of the Supreme Court and the administrative changes which have been forced upon the city. It makes such alterations as are necessary to conduct the affairs of the

city in a businesslike way with the least expense to the tax payers and the greatest degree of safety and protection to the body of citizens who compose the Kansas City of 1908, as distinguished from the Kansas City of twenty years ago. It insures a safe, orderly and progressive municipal government. It provides for the transaction of public business with the same promptness, efficiency and common sense that a citizen would use in conducting his own private business.

Is It a Safe Charter or An Experimental One?

The proposed charter preserves every valuable feature of the charter of 1889, and introduces such new methods or machinery as have been justified by the most careful and thorough tests and such as are in line with the march of progress in other cities of the country, and the value of which changes have been demonstrated beyond question by experience and established usage. It is a conservative charter and free from radical innovations and experiments. It eliminates the features of the old charter which are costly, extravagant or incapable of being carried out, and adds such innovations as are necessary to meet the present and future conditions of the city.

Powers of the City.

The powers of the city to preserve and protect the health and property of citizens and promote the general welfare are greatly enlarged. Under the proposed charter the city may construct and maintain dikes, revetments and levees for the purpose of preventing floods and overflows; may acquire, maintain and operate tunnels, tracks, depots, telephone and telegraph lines, bridges and subways; may acquire and maintain quarantine stations and make provision for the maintenance and support of insane and indigent citizens. The city is given broader power of condemnation for public purposes necessary to meet the many emergencies and novel conditions now confronting the city.

The Common Council.

The city council continues practically as at present, except

that in the proposed charter the President of the Upper House will be chosen by the members of that body from among their own number. The qualification that members of the Common Council should own real estate is eliminated, so as to conform to the state law. Regular meetings of the Common Council are to be held on Monday of each week instead of once a month as under the present charter, so that the necessity of a special message and the labor and expense incident to preparing and publishing what is known as the "Budget" are dispensed with. The powers of the Common Council are enlarged to correspond with the enlarged powers of the city. The enumeration of the occupations, corporations, institutions, commodities and utilities subject to license tax and regulation has been enlarged to meet the narrow limitations placed upon the present charter by the courts.

The power is given to establish and maintain plants for paving, repaving and repairing streets; the city is given authority to do such work and bid therefor in competition with contractors. The power of the Common Council has been enlarged in the matter of directing and controlling the laying and construction of steam railroad tracks, bridges and switches in the streets, the location of depot grounds and the protection of the interests of the city and of its citizens in the construction and maintenance of railroads, street crossings, viaducts and tunnels.

Power is given to the Common Council to regulate, control or prohibit sign boards, bill boards and structures for advertising purposes along or within view of the streets, highways or public places within the city; to regulate the rates to be charged for services of all persons or corporations owning or operating public utilities within the city.

The proposed charter, while preserving to the Mayor and Common Council the absolute control of the finances and revenues of the city, and maintaining checks and safeguards against reckless or unwise expenditures of public money, relieves the Common Council of a large volume of routine work and of much useless and cumbersome legislation necessitated by the terms of the present charter.

The Mayor and Other Municipal Officers.

The Mayor, under the proposed charter, is elected and quali-

fied as at present; is made an *ex officio* member of all boards, and is partially relieved of the onerous duty of hearing complaints and appeals for pardons and paroles; is charged with absolute responsibility in the appointment of all boards having functions of purely a business character. In case of vacancy in office, is elected by the City Council for the unexpired term. (Special elections by the people at great expense required by present charter).

The Mayor has been made absolutely responsible for the management and operation of the fire department and water works of the city, and for the conduct of the hospital and maintenance of the public health, by placing in his hands the power of appointment, without confirmation, of the boards governing these functions, viz.: the Fire and Water Commissioners and the Hospital and Health Board.

The right of confirmation of appointees given to councils in municipal charters was originally intended to put a check upon bad appointments by the Mayor. It has frequently failed of this purpose because of the natural and inevitable conversion by the Councils of the right of confirmation into an actual participation in the appointing power. It has been thought best to preserve this check in the case of the Board of Public Works, whose duties are so closely related to the functions of the Common Council in making public improvements and levying special taxes, but in the case of the Fire and Water Commissioners and the Hospital and Health Board, the functions of which are of a distinctly different character, it has been deemed advisable to follow the experience of the best governed cities everywhere by removing the right of confirmation and placing the responsibility for the success and character of the administration exclusively on the Mayor, thus eliminating the plausible excuse that incompetent appointments have been made, because the Council refused to confirm better men.

A Much Needed Relief.

The Board of Public Works, under the present charter, is overwhelmed with the detailed duties of managing and controlling practically all of the departments of the city's administrative business. It has been a physical impossibility for any of the boards of public works of the city to give adequate care and

attention to the manifold details of the business under their supervision. The proposed charter relieves this board of the great volume of business necessary for the effective handling of the water works and fire department and the hospitals, and it is thus enabled to devote its time to the protection of the city's interests in the matter of the management and control of public improvements.

A Protection From Floods.

One of the greatest problems now confronting the city is the question of how to prevent the annual recurrence of floods and inundations. This menace to the lives and property, and to the business interests of the city, has become so serious a problem that it can only be met by a radical addition to the present charter. A simple, fair and effective method of remedying this evil is provided in the proposed charter. The provision for a fair judicial hearing and a verdict by a jury in making assessments, and the co-operation of the Board of Public Works in devising plans for flood prevention, will enable the city to proceed immediately to secure effective relief. Without such a measure as is proposed by the new charter the city is exposed to the danger of some legislative enactment on the subject which would be inimical to the interests of the city and which would invite a long and tedious process of litigation and open the way to indiscriminate an unjust taxation by a commission or such other board or body as the legislature might designate. By thus forestalling any act of the legislature on this subject and providing an adequate method for immediate relief, the proposed charter is worthy of adoption for this one article, if for no other reason.

A Business System of Finance and Accounting.

In the proposed charter inconsistencies in the system of finance and accounting have been eliminated. The City Comptroller, as the bulwark of the financial good name of the city, is strengthened in his guardianship of the city treasury. He is made an elective officer in order to give him the independence and authority such an officer should have in the supervision of the departments and persons under him. He countersigns all warrants and supervises all branches of the city's finances. The

Auditor is made an appointive officer and is required to be a competent accountant. He draws all warrants on the treasury as under the present charter, keeps a full check on all receipts, of money paid into the treasury and has full control of the same. He audits all accounts of the city at least once a year. The bookkeeping department of the city is greatly simplified and made to conform to the methods advocated by the best national municipal experts. The present complicated methods are changed in such a way as to make them uniform with the modern, scientific systems adopted by the larger and more progressive cities of the country. In the method of expending money the treasury is amply safe-guarded as in the present charter, but the Common Council is relieved of all purposeless detail in its legislative deliberations. In addition to the control exercised by the City Council over the city funds, the following safe-guards are provided: Every claim against the city for money must be approved by the head of the department to which the claim belongs, or by the Mayor, in case the claim is not chargeable to any particular department; it must be approved by the officer or agent who personally incurred the obligation; in case of the purchase of goods or supplies of any sort the claim must bear a certificate as to quantity and quality, signed by the person who accuracy and also as to the fulfillment of the above provisions and the claim must be examined and approved by the Auditor as to accuracy and also as to fulfillment of the above provisions and requirements, and upon warrant drawn by the Auditor, the Comptroller countersigns the warrant, if he finds the claim justly due from the city and that there is money enough in the treasury for the purpose and not previously set aside for any other purpose. It is believed that the greatest degree of efficiency is obtained when an officer is thus called upon to affix his name to a certificate that will fix upon him the full and final responsibility as to the accuracy and correctness of the claim. Every transaction, demanding the payment of money is thus brought into the full light of day and made to pass under the eyes of those officials who know most about it and who are best able to protect the city's interests.

A purchasing agent is provided for who will have power, under proper restrictions, to make purchases of materials and

supplies at the lowest possible figure and with the greatest economy to the city.

Revenue and Taxation.

The general plan of revenue and taxation remains the same as in the old charter. The constitutional limit to general taxation is 1% of the assessed valuation. The following improvements have been made in the collection of these taxes:

First, the taxes become payable June 1st instead of May 10th, thus relieving to some extent the pressure on the City Treasurer's office, and saving the city considerable expense in the hiring of extra clerks.

Second, the ward offices for the return of the Assessor's lists have been found by experience to be useless and have been abolished, resulting in a material saving to the city.

Third, the rate of penalty on delinquent taxes has been reduced from 2% a month to 1% a month.

Fourth, the sale of real estate for delinquent taxes will now be made to the tax buyer who offers to carry the taxes at the lowest rate of interest, not exceeding 12% per annum. The old charter allowed the tax buyer to add 10% per annum immediately to the amount of his bill and then carry the whole amount at 24% per annum. If the property owner paid off the delinquent taxes within a year after the sale he paid the enormous rate of 34%. Now he will pay no more than 12%.

Fifth, delinquent taxes now run for five years after the sale before deed is given to purchaser. Under the old charter they ran but two years.

The Municipal Court.

If the proposed charter is adopted, the Police Court and the Mayor's Court will be superseded by the Municipal Court, which will have jurisdiction over grading and condemnation cases, in addition to the functions discharged by the Police Court under the present charter. The Judge of the Municipal Court must be an attorney at law of at least five years' experience at the bar. This court will effectually dispose of the great volume of the city's business pertaining to the opening, widening and grading of streets. The same rights of appeal are preserved that

exist under the present charter. It is estimated that three-fourths of the city's grading cases can be disposed of in the Municipal Court without appeal, thus insuring a large annual saving to the city in court costs and legal expenses.

Twelfth Street Traffic-Way.

The peculiar topographical conditions surrounding such public improvements as the Twelfth Street Traffic-Way necessitate certain material modifications in the present charter. The Utilities Commission appointed by the Mayor has reported to him that a proper solution of this problem can be attained only by certain important additions to the powers of condemnation under the present charter, and certain changes in the procedure. These changes and additions have been made in the proposed charter. It is provided that when the grading of streets, building of viaducts and tunnels and the condemnation of private property are all parts of one general improvement, that damages and benefits may be ascertained in a single proceeding. Under the present charter, separate proceedings are necessary for each of these improvements. The most ample and elastic machinery is included in the proposed charter for meeting this situation and similar problems that will arise in the process of the city's growth.

The New Depot.

It is the purpose of the proposed charter to place at the disposal of the city all legislative tools and machinery necessary for a speedy solution of the depot problem. It provides methods by which damages to be caused by the vacation of streets and the construction of bridges, viaducts, tunnels, overhead and underground crossings and approaches can be speedily and fairly ascertained. It gives the city broad powers for the protection of its interests and rights of its citizens in its negotiations with the Terminal Company or others. It provides methods by which the proposed franchise can be submitted to the people without necessitating an amendment to the charter.

Hospital and Health Department.

The Board of Freeholders considered this to be one of the most important, if not the most important, matters to be considered in framing the new charter. The advance of medical science and the establishment of many schools of medicine necessitated the adoption of liberal and advanced methods for the protection of the public health. After much study of this subject the conclusion was reached that it would be wise to provide for the appointment of a Hospital and Health Board to be composed of three high class business men, no one of whom shall be a physician, but all to be chosen with a view to their special qualifications and fitness for such position. No more than two of them shall be of one political party; they shall serve without compensation and shall be placed in absolute control of the health of the city, including the management of the hospitals. This Board will be given authority to appoint a medical staff, which shall likewise serve without compensation. The Board shall engage such medical assistants and nurses as shall be needed by them in the hospital and sanitary department of the city. They shall direct the purchase of all supplies, keep books and make regular reports to the City Comptroller. They shall adopt the best means to protect and relieve the people from any form of disease, contagious or otherwise, and any epidemic that may be prevalent or imminent in the city. All sanitary measures shall emanate from and be enforced by said Board, and the responsibility therefor shall center in it. In these important matters there will be no conflict of authority. The Board will be appointed by the Mayor and he may, at his pleasure, sit with them when they are in session, but without voting. It is expected that this Board will handle this department with the same efficiency that our schools are managed by the Board of Education. A very much needed power is granted to this department to compel non-resident property owners and others to observe the health regulations of the city. The Board is given power to abate nuisances of all kinds and make contracts for the removal of garbage, which cannot be done under the limitations of the present charter. The Board is given power to act immediately and effectively when great emergencies arise that affect or endanger the public health.

Dramshops.

The Board of Freeholders gave much consideration to the liquor situation and the fullest opportunity was afforded for a hearing to the exponents of both sides. It was thought wise, in view of the unsettled state of the public mind on this subject, and in view of the fact that no plan which gave promise of any improvement over the present situation was submitted, to leave the dramshop question in precisely the same situation as under the present charter.

Public Improvements.

In the proposed charter an expeditious and logical method is provided for the inauguration and construction of public improvements. The Board of Public Works will initiate all public work, provide for a hearing of interested property owners, prepare all contracts, receive bids and award the work, subject to the final approval or disapproval of the Common Council. These provisions will save a large amount of routine work on the part of the Council, and do away with practically all technical defects in special tax bills, which will tend to reduce the price of contract work to be done hereafter. The uncertainty and litigation which arise from these technicalities have hitherto imposed upon the property owner a great burden by reason of the large discounts to which the contractors have been compelled to submit in disposing of their bills, thus causing high bids for public work. The right has, however, been carefully preserved to the property owner to plead in defense of all tax bills that the work has not been done in accordance with the contract, or that errors have been made in the assessment of tax bills.

Power is given the city to acquire the necessary plants, machinery and appliances for doing its own public work, thus protecting the property owner against extortion, and enabling the city to be independent of combinations to raise the price of public work. Provisions are made by which a large amount of land which has hitherto escaped taxation is made to bear its just share of the public burdens. In cases where the grading of a public highway, including the construction of bridges, viaducts and tunnels, occasions an expense of such magnitude as to unduly burden the ordinary limited benefit districts, fixed by

the present charter, the proposed charter provides an adequate remedy by vesting power in the Council to fix a larger benefit district and provide for assessments and for submitting the legality of the proceedings to the determination of the Circuit Court before any work is done or tax bills issued to pay for the proposed improvement.

In a word, the procedure in the matter of public improvements is simplified—the Common Council is relieved of a great volume of routine business, rates of interest on tax bills are reduced, and the cost of public improvements will be materially lessened and genuine competition will be secured, while the interest of the property owners will be materially safe-guarded and protected.

Management of Fire Department and Water Works.

The necessity of co-operation between the Water Department and Fire Department, in order to secure proper fire protection for the city and lower the rates of insurance, points to the wisdom of placing the management of these two departments under a single Board. In the proposed charter these two departments will be conducted by one Board, and will be free from political domination. It is provided that this Board shall be composed of three men, well known in the community for their intelligence and integrity, who shall be named by the Mayor and be personally responsible to him for the efficient administration of these departments. Not more than two members of this Board shall be of the same political party, and their terms of office shall be so adjusted as to insure that the department will always be under the control of experienced men. It is intended that these important branches of the city's business shall be conducted with the same simple and economical methods that a private corporation would use in conducting its business.

Under the present charter the Board of Public Works is greatly overworked. To relieve this situation, the Water Department is placed under the management of the Fire and Water Commissioners, who will be enabled to devote the necessary time and attention to the protection of the city's water supply.

Provision is also made by which the Common Council shall appropriate twenty-five per cent of the total amount received by the city from the tax on foreign insurance companies to aid in the creation of a fund for the purpose of pensioning crippled and disabled firemen and for the relief of widows and minor children of deceased firemen. The hazardous nature of the duties of firemen and the difficulty the members of this branch of the city's service encounter in securing the protection of life insurance makes a provision of this kind necessary, humane and just.

Clean Streets.

Perhaps the darkest spot on the administration of our municipal affairs has been the filthy condition of our public thoroughfares. This has occurred through no fault of the officials in charge, but from the want of adequate means provided by the law to that end. The new charter will remedy this crying evil by annually setting apart seven per cent of the gross revenues for that particular purpose, without increase of taxation. It insures fair and equitable treatment to all sections of the city by requiring the city to be divided into districts and spending in these districts the amount of money so set aside in proportion to the assessed value of the taxable property in each district. In other words, the money contributed or raised for street cleaning by any district must be spent in cleaning the streets of that particular district.

Parks and Boulevards—Maintenance Tax.

Our parks and boulevards are a great source of joy and pride to our citizens. To be of value they must be maintained, but many have expressed apprehension of danger from the unrestricted power to levy the park maintenance tax. No such abuse of power has thus far occurred, but the new charter removes the danger and allays all such apprehension by limiting the taxing power to $2\frac{1}{2}$ mills on the \$1 valuation. If the $2\frac{1}{2}$ mills should at any time prove insufficient for the maintenance of the boulevards, a special assessment for that particular purpose may be levied, but only against property which fronts the boulevard, and can in no case exceed ten cents per front foot. Furthermore,

the new charter lowers the rate of interest on park assessments from seven per cent to six per cent per annum. Provision is also made by which the proceeds from taxes on vehicles, automobiles, etc., are to be added to the park department funds. Power is also given to the Council, as in the present charter, to appropriate such further sums as may be necessary for park purposes.

Civil Service.

Any city in the present state of municipal advancement and progress which has no provision for Civil Service is as much behind the times as a city without electric lights, telephones, or street cars.

It has been the endeavor of the Board of Freeholders to provide a Civil Service system which will be practical, fair and efficient. This system, if it meets with popular approval, will secure for the city the same kind of high class talent and service from its army of employes as is enjoyed by the many successfully managed private corporations of the land. There is no calculating the monetary value to the city of the introduction of this merit system, but the statement is believed to be conservative, that the results attained from the expenditure of the city's revenues, could be accomplished, under this merit system, at not more than two-thirds their present cost. It is confidently believed that the only reasonable basis for a hope for any reduction in the burdens of taxation is to be found in the application of this merit system. The chief cities of the country have adopted it with the most satisfactory results, and there is no reason why Kansas City should be one whit behind them. The Civil Service article as it has been drafted, neither legislates any one out of office nor perpetuates any one in office. It shortens no official's term. It disturbs no employe in his place as it goes into effect on the third Monday in April, 1910. No one political party is either favored or injured by the change. The Civil Service article, when reduced to its simplest terms, is a method of securing to the city competent and efficient service from its employes. The heads of departments and high officials are exempt from examinations. They are given full power to discharge as a necessary means of maintaining discipline

in the service, but are strictly enjoined from making dismissals for political reasons or for any reason other than for the good of the service, and all temptation to violate this injunction is removed as far as possible by requiring the vacated place to be filled by the appointment of the person standing first in point of excellence on the eligible list. In the examination for the eligible lists it is to be noted that the examination is divided into grades, so that it is not mere book learning, but knowledge of the actual duties to be discharged by the employe that will count towards appointment to office. Further incentive is also given to efficient service by providing for promotion as a reward for diligence and ability.

The adoption of a charter with a Civil Service provision is a distinct step in advance in the history of the city, and the advantages to be reaped from the provisions of this article would be felt by every citizen and tax payer.

Referendum and Recall.

The charter provides for the submission of franchise ordinances to the people for final approval or rejection. The same principle that is used for the adoption of the most important laws of our country—our constitutions—can thus be used for the consideration of questions of such grave importance as the granting of franchise rights to public utility corporations.

The referendum is a method of securing the highest degree of self-government. It is the procedure by which the political power in relation to the grant of the city's most valuable privileges is placed where it belongs—in the hands of the people. The referendum has been adopted, tested and approved in many of the states of the Union. The proposed charter provides that no ordinance granting a franchise shall become valid within sixty days after its enactment by the Common Council. If a petition signed by twenty per cent of the qualified voters of the city shall be filed with the City Clerk during that time the franchise must be submitted to the people for adoption or rejection. The Common Council is also given power to submit to the people without petition any franchise which in its discretion it may consider of sufficient importance to necessitate the approval of the citizens. It is further provided that no franchise for a period

longer than thirty years can, under any circumstances, be granted by the Common Council without first submitting such franchise to a vote of the people. The powers of the Common Council are not restricted or limited in making bargains in the city's interest, but the broadest power is given to the voters of the city and the Common Council to secure the best possible terms for the city in selling valuable rights and privileges.

A provision for the recall of elective officers by petition signed by thirty per cent of the voters is submitted in the alternative. It is deemed necessary to have a separate expression of the will of the people on this section without relation to the other articles or sections in the charter. So great a divergence of opinion exists as to the value and expediency of this provision that it was thought only just that the people should have an opportunity to decide for themselves as to whether this method of removal of public officials shall be adopted as a part of the organic law of the city.

Parole and Pardon Board.

To relieve the Mayor of the burdens of hearing appeals for pardons, and to secure the effective administration of justice in cases of persons sentenced by the Municipal Court, a Parole and Pardon Board is provided for in the new charter. This Board will be charged with the duty of considering applications for pardons and paroles, and of investigating the facts in connection with such cases as come before them. A court sergeant will be appointed by the Mayor, chosen because of his fitness for the office, and irrespective of political affiliations. He will attend all sessions of the Municipal Court and make sure that all parties appearing for trial who are without attorney, shall have their defense, if any, fairly presented to the Court. It is the intent and purpose of this provision that all who are brought before the Municipal Court charged with a violation of a city ordinance shall have competent and just advice at the time of their trial; that the full administration of the law in enforcing obedience to the city shall be so had that justice shall be done, and that in circumstances where it is possible, reformation may be wrought in those who have been guilty of wrong-doing.

Other Extensions of the City's Powers.

Under the present charter there is no power to make an adequate contract for the disposition or removal of garbage. Experience has demonstrated that this can only be done by building extensive garbage reduction works. The best results have been obtained by securing the removal of garbage by contract, running for a sufficient length of time to warrant the contractor in investing the necessary capital for the building and operation of such plant or works. Consequently it has been provided that such contracts may be made by the Common Council and the Hospital and Health Board for periods of not longer than ten years. By the exercise of this power, it is hoped that in the near future Kansas City may be enjoying the same advantages as other cities that have adopted this system where garbage is not only removed without cost, but at an actual profit to the city.

Ample powers are given to the city to construct an adequate sewer system, thus anticipating those limitations which the government may impose upon the city in the disposition of its sewage and garbage in navigable streams.

In the new charter the city is clothed with power to construct a garbage reduction plant and sewer outlets and disposal works and to acquire necessary land for same within or without the limits of the city.

Without specifying any one particular method for the solution of these problems, the new charter confers the necessary corporate powers upon the city and provides the proper machinery for their exercise.

All Boards are made uniform in number and qualifications; the terms of office are so arranged that each will be a continuing Board, thus insuring at all times the services of experienced men.

A day is set apart in each year to be known and observed as "Charity Day," on which appropriate measures may be taken for alleviating the condition of the poor and needy.

In order that no stoppage may occur in public work by the adoption of a new charter, provision is made that all such work shall go on to completion under the old charter, when such proceedings have been so begun.

The New Charter in Brief.

The new charter enlarges and extends the powers given to the city by the present charter, preserving all of the excellent features of that instrument, which have been tested by time and experience, and adding only such features as are necessary to enable the city to meet the conditions and problems which are before it. As framed, its purpose is to safe-guard the interests of the citizens for whom it constitutes the local organic law, and whose interests are vitally affected by it.

The members of the Board of Freeholders have spent three months of continuous labor on the proposed new charter, and now return it to the Mayor as required by law, to be accepted or rejected by the people at a special election to be held on August 4th, 1908.

CHARTER

ARTICLE I.

Corporate Powers—Boundaries and Wards.

SECTION 1. The municipal corporation known as "Kansas City," comprising the inhabitants of all that district of country embraced within the limits prescribed in the next succeeding section hereof, and any extension of said limits hereafter made, shall be and continue a body politic and corporate by the name and style of Kansas City, and by that name shall have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended in any courts of law or equity and in all actions whatsoever:

May make and use a corporate seal and alter the same at pleasure; may acquire by gift, devise, bequest, purchase, lease, condemnation proceedings, or otherwise, and hold and use lands or other property, either within or outside of the corporate limits of the city, for water works to supply the city and its inhabitants, or any person, firm or corporation, with water; for gas works and other works and plants for the supplying of the city and its inhabitants, or any person, firm or corporation, with light, heat and power, refrigeration and cold storage, or any of them; for public parks, cemeteries, crematories, penal and charitable institutions, or any of them; for hospitals, quarantine stations, markets, wharves, dikes, revetments, engine houses, fire stations, depots, terminals, tracks, rights-of-way for sewers, sewage reduction plants and devices, conduits, pipe lines, pole lines, telegraph or telephone lines, viaducts, bridges, tunnels and subways, or any other purpose within the class of public utilities, or for the exercise of the powers herein granted or provided for, and that may hereafter be granted or provided for, or for any other public purpose:

May also acquire, in any manner aforesaid, and hold and use lands or other property, whether specifically enumerated herein or not, within or outside of the State of Missouri, when deemed by the Common Council necessary, advantageous or expedient for any of the uses aforesaid, or for any municipal purpose, when not prohibited by law:

May also acquire, in any manner aforesaid, take, hold, use

and improve, any property, real, personal or mixed, either within, or outside of, the corporate limits of the city, for art galleries, museums, or any educational, benevolent, charitable, or other public purpose, whatsoever, and may do all acts necessary to carry out the purposes of any such bequest, devise or gift, and purposes for which said property shall have been acquired, or be held:

May establish and maintain museums, art galleries, public libraries, reading rooms and penal and charitable institutions:

May erect, construct and maintain public buildings, public works and crematories, and may lay out, establish and maintain public parks and cemeteries:

May construct and maintain sewers, drains, and all works necessary for the disposition of sewage and garbage:

May lay out, open, extend, widen, improve, maintain, or vacate streets and alleys, sidewalks and crossings and all public highways, and regulate the use of same:

May sell, lease or otherwise dispose of any property, real, personal or mixed, including any contract rights, of the city, subject to the restrictions imposed by this charter, or the constitution of the State:

May manage, control, operate, and improve any property it may acquire, or hold, in any manner aforesaid, and may sell, lease, or otherwise dispose of the products, use or service of any public utilities now or hereafter under its control:

May exercise the powers of eminent domain and of taxation; also the power of enforcing payment for public improvements by special assessments, or otherwise; and may, by amendment of this charter, extend its limits as defined herein, so as to include new and additional territory:

May protect the property of the city and the lives and property of its inhabitants from floods and inundations and the danger thereof; and,

May exercise all municipal, incidental and business powers necessary or which may be deemed expedient for the complete and efficient management and control of the municipal property and administration of the municipal government and necessary to maintain the public peace, protect property and promote the public welfare, and preserve the health of the inhabitants of the city, whether such powers be expressly enumerated herein or not; and may have and exercise within the city limits and over all property owned by the city, all governmental and police powers, subject to the limitations prescribed by the constitution and laws of this State and the United States:

SEC. 2. The corporate limits of Kansas City shall include all that district of country in the County of Jackson, State of Missouri, described and bounded as follows:

Commencing at a point where the western boundary line of the State of Missouri intersects the center line of the main channel of the Missouri river; thence south and along said western boundary line of the State of Missouri to a point 180 feet south of and at a right angle to the south line of section 19, township forty-nine, range thirty-three; thence east on a line parallel to the south line of section 19, township forty-nine, range thirty-three, to a point 180 feet west of the north and south center line of section 30, township forty-nine, range thirty-three; thence south on a line parallel to the north and south center line of section 30, township forty-nine, range thirty-three to a point 180 feet south of the east and west center line of section 30, township forty-nine, range thirty-three; thence east on a line parallel to the east and west center line of section 30, township forty-nine, range thirty-three, to a point 180 feet west of the east line of section 30, township forty-nine, range thirty-three; thence south on a line parallel to the east line of section 30, township forty-nine, range thirty-three to a point on the east and west center line of the south half of section 30, township forty-nine, range thirty-three; thence east along the center lines of the south halves of sections 30, 29, 28 and 27, township forty-nine, range thirty-three, to a point 160 feet east of the west line of section 27, township forty-nine, range thirty-three; thence north on a line parallel to the west lines of sections 27 and 22, township forty-nine, range thirty-three, to a point 160 feet south of the north line of section 22, township forty-nine, range thirty-three; thence east on a line parallel to the north line of section 22, township forty-nine, range thirty-three, to a point 160 feet east of the north and south center line of section 22, township forty-nine, range thirty-three; thence north on a line parallel to the north and south center lines of sections 22 and 15, township forty-nine, range thirty-three, to a point 160 feet south of the east and west center lines of section 15, township forty-nine, range thirty-three; thence east on a line parallel to the east and west center line of section 15, township forty-nine, range thirty-three, to a point 160 feet east of the north and south center line of the east half of section 15, township forty-nine, range thirty-three; thence north on a line parallel to the north and south center line of the east half of section 15, township forty-nine, range thirty-three, to a point 160 feet south of the north line of section 15, township forty-nine, range thirty-three; thence east on a line parallel to the north lines of sections 15 and 14, township forty-nine, range thirty-three, to a point

160 feet east of the north and south center lines of the east half of section 14, township forty-nine, range thirty-three; thence north on a line parallel to the center line of the east halves of sections 14 and 11, township forty-nine, range thirty-three, to a point 160 feet south of the north line of section 11, township forty-nine, range thirty-three; thence east on a line parallel to the north lines of sections 11 and 12, township forty-nine, range thirty-three, and section 7, township forty-nine, range thirty-two, to a point 160 feet east of the north and south center line of section 7, township forty-nine, range thirty-two; thence north and parallel to the center lines of sections 7 and 6, township forty-nine, range thirty-two, to the north line of section 6, township forty-nine, range thirty-two; thence west along the north line of section 6, township forty-nine, range thirty-two, to the north and south center line of section 31, township fifty, range thirty-two; thence north and along the north and south center line of section 31, township fifty, range thirty-two, to the north line of section 31, township fifty, range thirty-two; thence west along the north line of section 31, township fifty, range thirty-two, and the north lines of sections 36, 35 and 34, township fifty, range thirty-three, to a point 130 feet east of the north and south center line of the east half of section 27, township fifty, range thirty-three; thence north on a line parallel to the north and south center lines of the east halves of sections 27 and 22, township fifty, range thirty-three, to the center line of the main channel of the Missouri river; thence westwardly with the meanderings of the center line of the main channel of the Missouri river to the place of beginning.

SEC. 3. Kansas City shall, until otherwise provided by ordinance, be divided into fourteen wards, the respective numbers and boundaries of which shall be and remain as defined by ordinances in force at the time this charter shall go into effect, until changed or modified by ordinance.

SEC. 4. Said city may, at any time or times, extend its limits. Any extension of the city limits shall be made by amendment of this charter, in the manner provided by this charter and the constitution and laws of this State. The proposal therefor shall be made by ordinance in the form of a proposed amendment of the charter, specifying with accuracy the new line or lines to which it is proposed to extend such limits. All courts of this State shall take judicial notice of the limits of said city when thus extended and of all the steps in the proceedings leading thereto; *provided*, that should said city by such extension of its territorial limits include any portion of any incorporated city, town or village, such extension shall be made to include

the whole territory of such incorporated city, town or village, and upon such extension being made, the corporate existence of such incorporated city, town or village so included in such extension shall, *ipso facto*, cease, and all property and rights of every kind and nature belonging to and vested in such incorporated city, town or village, shall, by operation of law, at once pass to and vest in said Kansas City, and it shall be the duty of all officers and employes of such incorporated city, town or village, having custody or control thereof, to surrender and deliver the same to said Kansas City, and said Kansas City shall also, by operation of law, assume and become liable to pay all debts and liabilities of such incorporated city, town or village; *provided*, further, that before said Kansas City shall extend its limits so as to include any incorporated city, town or village, four-sevenths of the qualified voters of the incorporated city, town or village, so desired to be included within the limits of said Kansas City, shall vote in favor of such proposition at an election held for that purpose to be determined in the following manner, to-wit: Whenever said Kansas City shall desire to include within its limits any incorporated city, town or village, the Mayor of said Kansas City shall inform the Mayor, or other chief officer, of the incorporated city, town or village proposed to be so taken in, of the intention to include said city, town or village within the limits; and the Mayor thereof shall order a special election to determine the wishes of said city, town or village, giving twenty days' public notice of the time and places of holding such election, and the purposes for which it is to be held; said election to be governed by the general laws governing said city, town or village in respect to the holding of general elections, and if four-sevenths of the qualified voters voting at such election shall vote in favor of the proposed extension, the Mayor or other chief officer of such incorporated city, town or village shall certify the result to the Mayor of said Kansas City, and said city may proceed to extend its limits as provided in this charter, the constitution and laws of the State.

SEC. 5. Whenever, by extension of its territorial limits, as aforesaid, new territory is annexed to the city, the Common Council shall, by ordinance, and subject to the limitations of the next succeeding section, organize the same into a new ward or wards, or attach the same to some existing ward or wards, long enough before the next ensuing general city election to enable electors in such annexed territory to register, and all other proper steps be taken according to law, so that the electors of such annexed territory may have full opportunity to register and vote at such election. Actual residents of any territory at

the time of the annexation thereof as aforesaid, shall, if otherwise qualified, be qualified electors of the city and be eligible to any office therein at the next general city election following such annexation.

SEC. 6. Whenever the corporate limits of the city shall be so extended, and whenever and as often as the population of the city, or any ward or wards thereof, have been, or may be so increased or diminished as to render necessary, in the opinion of the Common Council, a redivision or redistricting of the corporation into wards, or a change in the boundary of any ward or wards, the same may be done by ordinance, and the Common Council shall, at least once in every five years after the adoption of this charter, redistrict the city into wards, and establish ward limits, which shall as nearly as practicable equalize the population in each ward; *provided*, however, that the territory within the city limits shall never, at any time, be so divided as to consist of more than sixteen wards, until the city shall have attained a population of more than four hundred thousand; and thereafter, and as often as fifty thousand inhabitants shall be added to said city, the number of said wards may be increased by not more than two to each fifty thousand of increased population.

SEC. 7. Upon the introduction of any ordinance either for extending the limits of the city, or for making any change or changes in the wards of the city, into either house of the Common Council, the Common Council shall, before the passage thereof, by resolution, require the City Clerk to publish a copy of the ordinance in at least one daily newspaper published in the city, to be designated in the resolution, for at least three weeks within the four weeks next after the passage of such resolution. After such publication proof thereof shall be made and filed with the City Clerk, and if the house into which said ordinance may have been introduced shall be satisfied that such publication has been made, it shall by a vote so find, and the clerk shall make a record of such finding in the book or record of the current proceedings of that house, which record shall be conclusive evidence of the truth of the facts so found. Should said ordinance be amended in either house after such publication, then the ordinance as amended shall be again published for the same time and proceeded with in all respects as in the case of the original ordinance. If such ordinance is passed by the Common Council at the first or second regular meeting after such last publication and finding, and not later, and duly approved by the Mayor, the proceeding to extend such limits shall be

completed in the manner herein provided, unless such ordinance be repealed or altered. Before such proposed amendment to the charter shall be of any force and effect, it shall be submitted to and accepted by three-fifths of the qualified voters of Kansas City at a general or special election provided by ordinance for such purpose. The city shall have power to call and hold a special election for such purpose at such time and in such manner as may be provided by ordinance and the constitution and laws of the State. The votes cast at such election shall be canvassed, the result ascertained and declared in such manner as may be provided by ordinance and the laws of the State, and if the proposed amendment to the charter be accepted and approved, the same shall thereafter be in full force and effect.

SEC. 8. In case of a redistricting or division of the city into wards, creation of any new ward or wards, or change of boundary of any ward or wards, every qualified elector residing in any ward at any general city election next thereafter, duly registered, shall be a qualified voter of such ward, and nothing in this charter contained shall be so construed as to prevent any elector from voting or being eligible to any office by reason merely of such redistricting or division, or creation of any new ward or wards, or change in the boundary of any ward or wards.

SEC. 9. Territory shall not be annexed to the city within four months next preceding any general city election, nor shall there be a redistricting of the city into wards, or change of boundary of any ward or wards, or creation of any new ward or wards, within two months next preceding any general city election.

SEC. 10. All wards which may be established by ordinance as aforesaid shall be composed of adjacent and compact territory, and the several wards, at the time of redistricting, shall contain as nearly an equal number of inhabitants as may be practicable. The wards shall be numbered consecutively from one up to the highest number thus established.

SEC. 11. Whenever any change in the number of wards, or alteration in the boundaries of any ward, shall be made, or new wards shall be established, there shall be no election or appointment of any member of either house of the Common Council on account thereof until the next general city election.

SEC. 12. Nothing in this article contained shall be construed to limit or abridge the term of office which any member

of the Common Council of the city shall be elected to fill, and every member of the lower house shall be deemed and taken for the residue of the term for which he may have been elected a member for that ward in which his actual residence and place of abode may be at the time of any division of the city into wards, the creation of any new ward or wards, or changing the boundaries of any ward or wards.

ARTICLE II.

The Common Council.

SECTION 1. There is hereby established in the city a Common Council which shall consist of two houses of legislation, one to be called the upper, and the other the lower house. The upper house shall consist at all times of as many members as there are wards in the city, who shall be elected on a general ticket by the qualified voters of the city. The lower house shall consist of one member from each ward of the city. The members of both houses shall be citizens of the United States, and of the State of Missouri, and qualified voters of the city; shall have paid city and county taxes for two years next before the day of their election, and shall, before the day of election, have attained the age of twenty-five years, and shall, at same date, have resided for three years in the territory embraced within the city limits.

SEC. 2. The members of the upper house of the Common Council shall be elected for the term of four years. The members of the upper house of the Common Council of said Kansas City in office at the time this charter goes into effect, shall become and constitute the first upper house of the Common Council hereunder, and shall hold office until the expiration of the term for which they were respectively elected. At the general city election to be held in April, 1910, and at each general city election to be thereafter held, as in this charter provided, members of the upper house shall be elected to succeed those whose term of office will expire with the fiscal year in which such election shall be held. Whenever the number of wards in the city is increased, additional members shall be elected to the upper house at the first general city election thereafter equal in number to the additional number of wards. One-half of the additional number so elected, receiving the highest number of votes, shall hold their office for four years, and the other half for two years; *provided*, that if an odd number of wards be added at any one time, the additional members first elected thereafter shall be divided into two classes as nearly equal in number as may be possible, and the larger class which shall contain those receiving the highest number of votes, shall hold their office for four years and the other class for two years; except that when only one new ward is added at any one time, the additional member first elected thereafter shall hold his office for four years. In case of

a tie it shall be determined by lot in the presence of the upper house which member or members shall hold for two years and which for four years. The term "additional members" or "additional member" shall be construed to mean the number of new members made necessary hereunder whenever the number of wards in the city is increased, and shall refer to those members of the upper house first elected thereafter, equal in number to the number of additional wards, who shall receive the lowest number of votes at said election.

SEC. 3. Each member of the lower house shall be elected for a term of two years, and in addition to the other qualifications required by this charter, shall at the date of his election have resided for one year in the ward which he may be chosen to represent. Each member shall be elected by the qualified voters of the ward which he may be chosen to represent, and if, after his election he shall remove from such ward, his office shall thereby be vacated. The members of the lower house of the Common Council of said Kansas City in office at the time this charter goes into effect shall become and constitute the first lower house of the Common Council hereunder and shall hold office until the expiration of the term for which they were respectively elected.

SEC. 4. Every member of the Common Council shall also possess the following qualifications: He shall not be directly or indirectly interested in any contract with the city, or any department or institution thereof, or in any petition or application for any franchise from the city, or in furnishing any supplies to the city, or any department thereof, or to any contractor under the city, or in the sale or purchase of any property to or by the city, nor shall he be an officer, stockholder or employe of any person, firm or corporation so interested as aforesaid, nor of any person or firm or corporation discharging a public or quasi-public service under a franchise from the city, nor shall he be directly or indirectly interested in the sale or purchase of supplies or material, or insurance, or the making of bonds, to or by any person, firm or corporation contracting with the city or applying to the city for any permit or privilege requiring action by the Common Council, and he shall not be indebted to the state, county, or city on account of any tax. He shall not have been convicted of malfeasance in office, bribery or other corrupt practices or crimes. Before any member of the Common Council shall take his seat or perform the duties of his office, he shall take and subscribe an oath before the City Clerk that he possesses all the qualifications for the office to which he is chosen, and is not

subject to any of the disqualifications in this charter named, and that he will support the Constitution of the United States and of this State and the provisions of this charter, and faithfully discharge the duties of his office. Any member who shall at any time during his term cease to possess any of the qualifications mentioned in this charter shall thereby forfeit his office, and the same shall be filled as provided for in cases of other vacancies. Such forfeiture may be determined and declared by any court of competent jurisdiction, on information in the nature of *quo warranto* at the relation of the city or of any one or more of the tax payers or qualified voters thereof.

SEC. 5. Each member of the Common Council shall receive for his services as councilman the sum of Five Dollars for each meeting of the Council which he shall attend during his term of office; *provided, however,* that no extra compensation shall be allowed to such councilman for serving on any committee, agency or commission whatever, when appointed to perform such services by either or both houses of the Common Council during his term of office, and in no case shall the aggregate sum paid to such councilman for services above enumerated exceed the sum of Three Hundred Dollars per annum.

SEC. 6. The upper house shall choose one of its own members to preside over its deliberations, who shall be known as president. The lower house shall choose one of its own members to preside over its deliberations, who shall be known as speaker. Each house shall appoint a sergeant-at-arms and his assistants.

SEC. 7. Each house shall be the judge of the election, return and qualifications of its own members and shall determine contested elections of its own members, subject to the limitations prescribed by the constitution and laws of this State. Each house shall determine the rules of its own proceedings, except as herein provided; may arrest and punish by fine not exceeding Fifty Dollars or imprisonment in the city prison not exceeding three days, or both, any person not a member who shall be guilty of disrespect to such house by any disorderly or contemptuous behavior in its presence during its session; may punish its members for disorderly conduct, and by an affirmative vote of two-thirds of its members elect, may suspend or expel a member of such house for disorderly conduct, disqualification as set forth in section four of this article, or for malfeasance in office. A majority of all the members elect of each house shall constitute a quorum to do business, but a smaller number may

adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 8. Each house shall keep a journal of its proceedings, and the yeas and nays of its members on any question shall, at the request of any two members, be entered therein, and the yeas and nays shall be recorded on the final passage of all ordinances.

SEC. 9. A vote of the majority of all members elect of each house shall be necessary to pass ordinances for public improvements, ordinances appropriating money for any purpose, and ordinances in anywise increasing or diminishing the city revenue.

SEC. 10. No member of the Common Council shall, during the term for which he is elected, be appointed to any office under the city, nor shall he, while such member, be an employe of the city in any capacity whatever.

SEC. 11. All vacancies that may occur in the Common Council from any cause shall be filled until the next general city election thereafter, by a vote of the majority of a legal quorum of the house in which such vacancy exists, at any regular meeting thereof held after the meeting at which such vacancy shall have been reported to such house. At the next general city election thereafter such vacancies shall be filled by vote of the people for the unexpired portion, if any, of the term of office in which the vacancy exists. No member shall be elected to any vacancy who does not possess the qualifications required for membership in the house in which such vacancy occurred.

SEC. 12. Whenever there shall be a tie in the election of any member of either house, the officer or officers canvassing the vote and authorized to certify the result of the election shall certify the facts to such house, and the parties named in such certificate shall immediately, in the presence of such house, determine by lot which shall be the member elect.

SEC. 13. A regular meeting of the Common Council shall be held on Monday of each week, except legal holidays, at such hour as may be fixed by ordinance, provided that an additional regular meeting shall be held in the forenoon of the last day of the fiscal year in which the Mayor's term expires; and the Common Council may also be especially convened by the Mayor in

pursuance of law. Any session of either house may be continued or adjourned from day to day or for more than one day, but no adjournment of either house shall be for a longer period than until the next regular meeting thereafter, as provided in this charter, and neither house shall, without the consent of the other, adjourn to another place than that in which the two houses shall be sitting. Petitions or remonstrances shall be presented to either or both houses of the Common Council in writing only.

SEC. 14. The Mayor shall call special sessions of the Common Council by proclamation, which shall be published as may be provided by ordinance. Whenever a special session of the Common Council shall have been called by the Mayor, they shall have the same powers to transact business as at a regular meeting.

SEC. 15. The Common Council shall be a continuing body for and contemporaneous with the term for which the members of the lower house are elected, and all ordinances and resolutions pending in either house which shall not have been passed by the Common Council before the end of the term for which the members of the lower house are elected, as provided in this charter, shall expire with said term, and be of no validity or effect for any purpose whatsoever.

SEC. 16. Members of the Common Council shall at all times for the purpose of inspection, have free access to the books, papers and records of the city in all public offices, and any committee of the Common Council, or of either house thereof, may investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having power to approve, allow or audit demands on the treasury, and any such committee in making such investigation, or in investigating any matter that may lawfully be referred to it by said Common Council, or either house thereof, shall have power to summon witnesses, administer oaths and affirmations, and examine witnesses, and compel their attendance before them by subpoena, and any person appearing before any such committee shall have the right to be represented by counsel.

ARTICLE III.

Powers of Common Council.

SECTION 1. All powers conferred upon the city by the charter or the general laws of the State of Missouri shall be exercised by ordinance, except as otherwise provided in this charter, and the Mayor and Common Council shall have power and authority, by ordinance, not inconsistent with the constitution and laws of this State, and subject to the limitations expressed in this charter:

First: To provide for the management and control of the finances and of all property, real, personal and mixed, belonging to the city, and to appropriate money and to provide for the payment of all debts and expenses of the city.

Second: To acquire for the city such property, real, personal and mixed, as may be needed for public use, when the method for acquiring the same has not been otherwise provided in this charter; to provide the manner and method of entering into contracts by the city in all cases not in this charter otherwise provided; to accept or reject all property, real, personal and mixed, given, conveyed, devised, or bequeathed to the city, and to provide for the execution of all trusts accepted by the city; to provide for the purchase of property levied upon under execution in favor of the city; to provide for the purchase of personal property when sold for delinquent taxes and assessments levied or imposed under the charter of the city, and to sell and convey the same, but the sum paid by the city for any piece or parcel of property so sold on execution in favor of the city or for delinquent taxes or assessment shall not exceed the amount of such debt, tax or assessment, and the necessary costs and expenses of the proceedings for the collection of the same; to provide for the sale at public auction of all personal property unfit or unnecessary for the use of the city, and of all other property, real, personal or mixed, which the city may lawfully sell.

Third: To provide for the payment of public work by special assessments on real estate; for the levying and collection of special assessments; and for the levying and collection of taxes upon all property made taxable for city purposes within the limits of the city and not exempted by general law from municipal taxation.

Fourth: To license, tax and regulate manufacturers, merchants, commission merchants, dealers in second hand goods, coal dealers, ice dealers, junk dealers, ice cream dealers, milk dealers, live stock dealers, produce dealers, patent right dealers, mercantile agencies, real estate agents, claim agents, adjusters and collectors, real estate brokers, financial agents, loan agents, rental agents, lightning rod agents, and other agents of whatever kind or character; cash register agencies, agents for cash registers, advertising agents, railroad ticket agents, railway traffic agents, typewriter agencies, private detectives, private detective agencies, agents and solicitors for nurseries, laundries, dye houses, clothes pressers and cleaners, renovating and repair establishments, sewing machine agents, brokers, pawn brokers, railroad ticket brokers, produce brokers, merchandise brokers, amusement ticket brokers, lumber brokers, lumber agents, brewers, beer depots or store rooms, distillers, brewers' agents, brewers' agencies, distillers' agencies, malt dealers, insurance companies of whatever class or character; insurance agents, agents for co-operative insurance, insurance solicitors, insurance brokers, and other brokers of whatever class or character; abstractors of land titles, guarantors of land titles, bankers, banking corporations, trust companies, investment companies, building companies, loan companies, surety companies, bonding companies and agents or solicitors for any surety companies or bonding companies; brokerage companies, newspaper publishers, publishing companies, publishing houses, printing establishments, telegraph companies, telephone companies, electric light companies, street railway companies, electric companies, gas companies, conduit companies, subway companies, heating companies, lighting companies, cold storage or refrigeration companies, oil companies, mining companies, express companies, automobile companies, automobile agencies, public garages, electric charging stations, automobile repair shops, bicycle repair shops, transfer companies, manufacturing and other corporations, institutions or establishments; poles and wires or conduits and wires of telegraph, telephone, electric light, street railway and electric and power companies; agents and agencies for the sale of oil stock, mining stock, and other stocks; lenders of money on chattels and chattel mortgages; public lecturers, lawyers, doctors and dentists, itinerant doctors, corn doctors, masseurs; venereal hospitals, other private hospitals and similar institutions; veterinary hospitals, veterinary surgeons and doctors; barber shops, hair dressing establishments, bath houses, hotels, ordinaries, apartment houses, confectioners, restaurants, boarding houses, tenement houses, office buildings, public halls, public grounds, photographers, artists, auctioneers, plumbers, stock yard and wagon

yard proprietors, undertakers, meat shops, livery, board and sales stable keepers, shows, circuses, parades, operatic, theatrical and other exhibitions; amusements, concerts, theatres, theatrical agents, amusement parks, cattle shows, horse shows, automobile shows, dog shows, poultry shows, animal shows, menageries, museums, sparring exhibitions, equestrian exhibitions, horoscopic views, moving picture exhibitions, cycloramas, panoramas, skating rinks, wrestling exhibitions, boxing contests, public masquerade balls, shooting galleries, dance halls, dance houses, fortune tellers, clairvoyants, palmists, lung testers, muscle developers, billiard parlors, billiard and pool tables and other tables and instruments used for amusement; pin alleys, ball alleys, street railway cars, omnibuses, hansom cabs, hackney coaches, drays, job wagons, carts, carriages, barouches, buggies, wagons, automobiles, motorcycles, bicycles and all vehicles, private or public; hawkers, hucksters, peddlers, auction house proprietors, runners, drummers, keepers of knife and board and cane racks, street stands; intelligence and employment agents and offices and keepers thereof; bill posters, inspectors and gaugers; public scales, grain elevators, storage and transfer houses; nurseries and nurserymen; slot weighing machines, automatic scales machines, automatic selling machines or devices, slot machines, gift enterprises, pool rooms, saloons, dramshops, beer houses, tippling houses, wine gardens and beer gardens; sales of unclaimed goods by express companies or common carriers;

And to license, tax and regulate all occupations, professions, trades, pursuits, corporations and other institutions and establishments, articles, utilities and commodities, not heretofore enumerated, of whatever name or character, like or unlike, and to fix the license tax to be paid thereon or therefor; and in the exercise of the foregoing powers, to divide the various occupations, professions, trades, pursuits, corporations and other institutions and establishments, articles, utilities and commodities into different classes.

The city may charge a separate license tax for each place of business conducted or maintained by the same person, firm or corporation.

Fifth: To license, tax, and regulate hackmen, draymen, omnibus drivers, chauffeurs, or automobile drivers, porters, express drivers and all other persons, firms or corporations pursuing like occupations, with or without vehicles, and to fix and prescribe uniform rates and charges for such service to the public; and to regulate, license, tax, restrain and prohibit runners for steamboats, cars, stages, hotels and public houses.

Sixth: To have exclusive power to license ferries, and to

regulate the same, and the landing thereof within the limits of the city, and to fix and prescribe the charges and fees for ferries, and to regulate the charges for switching by or on any steam or railway within the limits of the city.

Seventh: To provide the manner of issuing and regulating licenses, and the fees and charges to be paid therefor, and to provide for the revoking of the same. No license shall be granted for more than one year and not less than one dollar shall be charged for any license under this charter or any ordinance, and the fees for issuing same shall not exceed one dollar, and all such fees shall belong to the city. :

Eighth: To remove and prevent all obstructions from and in the Missouri River within said city, and to widen, straighten and deepen the same; to construct and maintain dikes and revetments, and to erect, maintain and regulate wharves and docks, and to regulate the rates of wharfage within the limits of the city.

Ninth: To provide the city with water, and to make, regulate and establish public wells, pumps, cisterns, hydrants and reservoirs in or under the streets or other public places within the city or beyond the limits thereof within or without the State of Missouri, and to construct, maintain and operate waterworks with all appurtenances necessary or convenient thereto.

Tenth: To provide for lighting the streets and erecting lamps thereon and to regulate the price and quality of gas, gasoline, electricity and other means of lighting, and the manner and means of lighting by electricity, and the power thereof, and to compel any gas company, electric light company, heating company, refrigerating or cold storage company or other company, individual or institution to change and re-locate any gas mains or other mains, pipes, appliances, or any poles or conduits for wires or other appliances, and to regulate the price and quality of gas, oil or other means of heating furnished by any such corporation or institution to the inhabitants of the city for heating purposes, and the prices to be charged by any corporation, individual or institution furnishing cold storage or refrigeration, heat or power, to the inhabitants or institutions within the city.

Eleventh: To exercise control over the streets, sidewalks, alleys, landings, public grounds and highways of the city; to establish, open, alter, widen, extend, vacate, grade, pave, repave, block, reblock, sprinkle or otherwise improve and keep in repair the same; to establish the grade and thereafter change and re-establish the grade of the same; to put drains and sewers in the same, and regulate or prohibit the building of vaults or areaways

under the sidewalk; and permit the use of space under sidewalks, streets and highways under such conditions as they may deem best; to regulate the use of public streets, alleys and highways of the city for telegraph, telephone, electric light, electric power and other pole lines above the surface, and to compel all lines and wires of every character within the city to be kept under ground, and to regulate the use of streets, highways and alleys for conduits, subways, mains, pipes and all structures beneath the surface thereof, and to regulate and control for any and every purpose the use of the streets, highways, alleys, sidewalks, public highways and the grounds of the city; to prohibit racing or fast or immoderate riding or driving of every kind of animal, vehicle or machine on the streets, highways, public thoroughfares and grounds of the city, and to authorize any person to stop any such person immoderately riding or driving as aforesaid;

To prohibit and punish the abuse of animals, to compel persons to fasten their animals while standing in the streets or in any particular street or streets, and to prevent the hitching of any animal on any particular street or streets; to prescribe the manner and limit the time of standing animals and vehicles attached to animals in any street or streets, and to forbid large or heavily loaded vehicles to pass along any particular street or streets of any kind or class of public thoroughfare within the city;

To make all needful regulations to keep and maintain the public streets, alleys, sidewalks and public places in a clean, open and safe condition for public use; to prescribe and regulate the width of the tires on and to regulate and limit the weight to be carried by any and all vehicles used on the public streets and thoroughfares of the city; and to prohibit the building and use of barbed wire fences within the city limits;

To provide for the erection, establishment and maintenance of works and plants for paving, repairing or maintaining the streets, alleys and highways, or parts thereof, of the city, and to provide all necessary machinery and appliances therefor.

Twelfth: To direct and control the laying and construction of steam railroad tracks, bridges, turnouts and switches in the streets and alleys; and the location of depot grounds within the city; to require that railroad tracks, bridges turnouts and switches shall be so constructed and reconstructed and laid as to interfere as little as possible with ordinary travel and the use of the streets and alleys, and so as to protect life and property from all danger arising from the operation of trains upon said tracks, and that sufficient space should be left on either side of said tracks for the safe and convenient passage of teams and persons; to require the railroad companies to keep in repair the streets and alleys

and highways through which their tracks may run, and to light, patrol and guard the same; to require said railroad companies to construct and keep in repair suitable crossings at the intersection of streets, alleys and highways, ditches, sewers and culverts, and to light and guard the same; to require and compel railroad companies to construct and maintain viaducts or overhead bridges, together with the approaches therefor at such points where the tracks of said railroads cross the public streets or highways of the city and where the construction of such viaducts and bridges is reasonably necessary for the convenience of the public or for the protection of the people using such crossings; to require railroad companies, whose tracks cross the streets, alleys and highways of the city, to build said tracks under said streets, alleys and highways, at said crossings, and to construct tunnels thereunder for the use of said railroads, or viaducts over said railroad tracks for the use of the public, and to maintain the same; to require the railroad companies whose tracks cross the streets, alleys and highways of the city, to pay the damages to abutting property caused by the construction of said viaducts or overhead bridges and approaches thereto; and in cases where it is necessary to procure a right-of-way for the construction of any such viaduct or overhead bridge, or approaches or any part thereof, the cost and expense of such procurement shall be borne by the railroad company or companies whose tracks cross the highways and render necessary the construction of said viaduct or overhead bridge and approaches, and in cases where more than one railroad company's tracks cross a highway within the city, to provide by ordinance the amount or proportionate part of the cost which each of said companies shall pay or contribute toward the cost and expense of construction or maintenance of said viaducts, overhead bridges or approaches, including the matter of rights-of-way, for the construction of such viaducts, overhead bridges or approaches, and the damages done to private property by the construction of the same; and when the public safety or convenience so demands, to designate that the roadway of the street crossed by such railroad tracks shall either be carried under the tracks by means of a tunnel, cut or subway to be constructed and maintained by said railroad company, or over said railroad tracks by means of a viaduct or overhead bridge, as aforesaid; and, in case the streets shall be placed beneath said tracks, to require all the costs and expenses of the same, including maintenance, right-of-way, and damages to private property by the construction of the same, to be paid by the railroad company or companies whose tracks cross said street. And in cases where necessary for the protection of traffic, or for the opening, establishment, grading or change of grade of any street or high-

way, or for the construction or maintenance of any other public improvement of any character to require any railroad company, at its own expense, to elevate or depress its tracks or any part of the same within the city and to conform the grade of said tracks to the plans of any public improvement authorized by the Common Council.

Thirteenth: To establish, erect and keep in repair bridges, culverts, sewers, sewer outlets within or outside the limits of the city, plants for reduction and disposition of sewage and garbage, and to regulate the use of the same; to inspect and regulate house drainage and sewer connections, and plumbing, drainage and sewerage of buildings, and to prescribe the kind and quality of material to be used for such purpose; to establish, alter, deepen and change the channel of water courses and to wall them up and cover them over; and to require houses to be connected with the city sewers.

Fourteenth: To provide for the erection, establishment, operation, maintenance and discontinuance of such prisons, jails, police stations, work houses, houses of correction, houses of refuge and all necessary penal and charitable institutions; art galleries, market houses, hospitals, quarantine stations, and all public buildings of every character required by the city, whether herein specifically enumerated or not; and to make all needful regulations for the care and government of the same; to provide for the regulation and management of city markets and market places and market houses, and to fix the rental charges therefor and the amount of licenses to be paid for each and every kind of business carried on therein; to purchase, condemn, rent, lease, or otherwise acquire, within the limits of the city or elsewhere, any real or personal property for any purpose herein enumerated or referred to, and to control, manage, improve, sell, lease or otherwise dispose of the same in such manner and upon such consideration as the Mayor and the Common Council may deem proper for the public welfare, subject to the limitations in this charter elsewhere provided.

Fifteenth: To restrain and punish engrossing, forestalling or regrating; to regulate and to provide for the inspection of, weighing or measuring and vending of all articles of food or provisions intended for human consumption, and places and manner of inspecting the same; to establish and regulate the standard of weights and measures to be used in the city, and to provide for the inspection of all weights and measures and to compel all dealers in coal to weigh the same on public scales; and to establish, license, tax and regulate public scales and charges for use of the same; to make provision for the inspection,

weighing or measuring of lumber and other building material and for the inspection of engines, steam boilers and all steam heating apparatus; to license engineers and others using steam boilers or other steam heating or electrical apparatus in the city; to provide for the inspection, weighing or measuring of oil, coal oil, naphtha, benzine and other burning fluids, beer, ale, wines, whiskey, rum, brandy and other malt, vinous or spiritous liquors in barrels or other vessels; to regulate the inspection, weighing or measuring of hay, corn, oats and all other products; coal, charcoal, firewood and all other kinds of fuel to be used in the city; to regulate the inspection, weight, quality and sale of bread; to appoint weighers, gaugers and inspectors, and to prescribe their duties and regulate their fees and compensation.

Sixteenth: To establish and enforce quarantine laws and regulations to prevent the introduction and spread of contagious or infectious diseases among men or animals of the city or within two miles thereof; to provide for the destruction of all diseased or deleterious articles of food or drink and of all animals sick of a disease dangerous to health; to establish and regulate hospitals and quarantine stations outside and inside the city limits; to secure the general health and safety of the inhabitants by any necessary measure; to regulate stone quarries and the quarrying of stone; to provide for the erection, management and regulation of slaughter houses and to regulate the slaughtering of animals; to regulate or prohibit the driving of stock through the city or any part thereof; to prohibit, remove or regulate the erection of soap factories, stock yards, slaughter houses, pig pens, stables, cow stables, livery stables, dairies, coal oil and vitriol factories and all other factories which the Common Council may, by ordinance, declare to be a nuisance, within prescribed limits in the city, and within two miles thereof; to regulate or prevent the carrying on of any business which may be dangerous or detrimental to the public health, or the manufacture or vending of articles deleterious to the health of the inhabitants; to declare, prevent and abate nuisances on public or private property, and the causes thereof.

Seventeenth: To regulate the use of steam boilers, steam generators, electric motors and machinery, and to provide for the registration of plumbers and stationary engineers.

Eighteenth: To regulate the plans, materials and manner of construction of all buildings within the city, and maintenance, care, management, operation of all tenement houses, lodging houses, cellars, theatres, public halls, places of amusement and other buildings used for public gatherings in the city, and to regulate and prescribe the number, size and location of places of

entrance and exit and the modes of hanging doors therein for the better protection of the lives, health and morals of the inhabitants of the city.

Nineteenth: To prohibit the erection, placing or repairing of wooden buildings within such limits as may be prescribed by ordinance, and to direct that all buildings within the limits prescribed shall be made or constructed of fireproof material, and to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct; and to declare all wooden buildings within the fire limits, which they may deem dangerous to contiguous buildings, to be nuisances, and to require or cause them to be removed or abated, in such manner and under such penalties to the owners or proprietors thereof as they may direct.

Twentieth: To regulate or prohibit the construction and maintenance of chimneys, stacks, flues, fireplaces, stove pipes, ovens, boilers, or other apparatus used in or about any building or manufactories, and to cause the same to be removed or put in a safe condition, when considered dangerous; to prevent the deposit of ashes in unsafe places, and to provide for the inspection of all places within the city and of all property of the city outside the limits thereof, for the better protection of the health, lives, morals and property of the inhabitants of the city;

To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires; to regulate, prevent and prohibit the use of fireworks and firearms;

To direct, regulate or prohibit the storage, manufacture, sale and use of gun powder and all combustibles, explosives and dangerous materials within the city, and to regulate or prohibit the transportation of the same through the streets, alleys or public highways of the city, and to regulate or prohibit the use of candles or other lights in stables, outhouses, and other like houses;

To regulate and prescribe the manner and order of building and maintaining parapets, partition walls, fire walls, and partition fences;

To compel the owners, lessees or occupants of all buildings to have scuttles on the roofs, and stairs or a ladder leading to the same, and to provide such buildings with adequate fire escapes and apparatus and appliances therein for protection against fire;

And generally to establish such regulations for the prevention and extinguishment of fires as the Common Council may deem expedient;

Twenty-first: To regulate, prohibit or surpress any act, conduct, pursuit, employment, practice, game, sport, or contest,

place or thing whatsoever, which may be injurious to the public morals or to the health or dangerous to the lives or property of the inhabitants of the city, or detrimental to the peace or reputation of any neighborhood therein; and in exercise of such police powers, to prevent and suppress bawdy houses, houses of ill fame and fornication, prize fights, dog fighting, cock fighting, gaming and gambling houses, and to authorize destruction of instruments for gaming, and to prevent and suppress mock auction houses, dance halls, public dances, fortune tellers, clairvoyants and palmists, pool rooms and betting rooms, lotteries or places where any game in which chance predominates is played for anything of value, and to punish any and all persons who may engage in such game or games or who keep or frequent such houses or places, or set up or permit the same, or lotteries, or sell lottery tickets; and to prohibit the sale, distribution or giving away, directly or indirectly, of lottery tickets, notices, certificates, and advertisements of lotteries and lottery drawings, and to suppress places where lottery tickets, notices, circulars, and advertisements of lotteries and lottery drawings are kept, sold, distributed or given away; to prevent and suppress opium smoking and houses or places kept therefor, and to punish the keeper of such house or place, or any persons who smoke opium therein or frequent the same; and to regulate the sale of opium, cocaine and other similar drugs, cigarettes, cigars and tobacco, and to prohibit the sale of the same to minors.

Twenty-second: To prevent the sale, circulation and disposition of obscene literature, including books, papers, prints, pictures and the like, and to punish any person who sells or offers for sale, or who circulates or disposes of such literature, books, papers, prints, pictures and the like.

Twenty-third: To regulate, prevent or prohibit the erection, maintenance or display of sign boards and bill boards and all signs, posters or other advertisements or of advertising matter which are offensive, improper, unsightly, indecent, lascivious or obscene, upon, along or near the sidewalk, streets, or public places or within view thereof; and to declare any such sign board, poster or other advertising matter to be a public nuisance, and provide for the abatement thereof;

To acquire by condemnation or otherwise the right to regulate and control bill boards and sign boards and other structures for advertising purposes, upon, along or near sidewalks, streets, alleys, highways or public places or within view thereof, within the city, and to provide for the regulation of the same.

Twenty-fourth: To restrain and prevent any riot, rout, noise, disturbance or disorderly assemblage; to prohibit the play-

ing of ball, the rolling of hoops, flying of kites, or any other amusement or practice dangerous or annoying to persons or property or tending to frighten horses in any street or place in the city; and to regulate or prohibit the running at large of cattle, cows, hogs, goats, chickens, geese, ducks, and all poultry, and all other animals or fowls, within the limits of the city, and to authorize the impounding and sale of the same; to restrain and prohibit the ringing of bells, blowing of horns, bugles and steam whistles, crying of goods, and all other noises; and all unreasonable or unnecessary noises made in the operation of street cars or other public vehicles, and to restrain and prohibit performances and practices tending to the collection of persons on the streets and sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise; to prevent and remove all obstructions and encroachments upon the sidewalks, curb stones, carriageways, streets, avenues and alleys, at the expense of the owners or occupants of the ground fronting thereon.

Twenty-fifth: To license, tax, regulate or restrain and prohibit the running at large of dogs and cats, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

Twenty-sixth: To restrain and punish vagrants, mendicants, street beggars, gamblers and prostitutes, and to define who shall be considered and treated as vagrants.

Twenty-seventh: To require all railways and railroads to provide proper fenders and other safety appliances and the most approved machinery and methods for their cars and tracks and the operation thereof, for the protection of human life and the lessening of danger thereto, and to make all needful regulations for the operation of the same, and to enforce all such regulations by such fines and penalties as may be prescribed by ordinance, subject to the limitations of this article.

Twenty-eighth: To regulate the rates to be charged for service by all persons, firms and corporations owning or operating any telephone or telegraph lines, systems or exchanges, street railway lines and systems, tunnels, subways, conduits, bridges or viaducts, or engaged in furnishing gas, steam or electricity for lighting, heating or power, or engaged in furnishing light, heat, power or refrigeration, or engaged in any other public utility under any franchise granted by the State of Missouri or the City of Kansas City; and to require any of such persons, firms and corporations to put and keep their wires, pipes and appliances under ground; and to regulate the use of the streets, alleys and public highways of the city by any such person, firm or corporation;

To sell, rent, lease or otherwise dispose of the products, use or service of any land, property, public utility or convenience, plants or works of any kind, the ownership, use or control of which is or shall be in the city.

Twenty-ninth: To control, regulate or prohibit the emission of dense smoke from chimneys and chimney stacks of buildings, manufactories, locomotives or engines or in any manner within the city.

Thirtieth: To prohibit and prevent cruelty to children; to appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to children or animals, and to authorize the payment of the same, or any part thereof, to any society organized and maintained for the prevention of such cruelty.

Thirty-first: To restrain, regulate and prohibit the selling or giving away of any wines, intoxicating or malt liquors, by any person within the city, other than those duly licensed; to forbid and punish the giving away of any wines, intoxicating or malt liquors to any woman, minor or habitual drunkard;

To pass any ordinance touching dramshops, beer houses, tippling houses or saloons, and the granting or revoking of the license for the same, not in conflict with this Charter and the constitution and laws of this State.

Thirty-second: To provide for the support, maintenance and confinement of insane persons, and to make suitable provisions for the maintenance and support of poor persons, and to make suitable provisions for the care and maintenance of sick and injured persons.

Thirty-third: To provide for the enumeration of the inhabitants of the city for any purpose whatever.

Thirty-fourth: To take all needful steps in and out of the State to protect the rights of the city in any corporation in which the city may have or acquire an interest.

Thirty-fifth: To establish, create and prescribe the term of office, salaries and duties of all officers and the compensation and duties of all employes and agents necessary or proper in carrying into effect any of the powers of the city, in all cases not otherwise provided for by this Charter, and to establish the compensation of jurors and witnesses, respectively, for their services, except as is otherwise provided in this charter; *provided*, that the salary, fee or compensation of any officer shall not be changed during the term for which he is elected or appointed, and that no officer receiving a salary shall receive any fees or other compensation for his services.

Thirty-sixth: To locate and establish as many voting precincts in each ward as may be necessary to accommodate the voters therein, and to guard and protect the same, and to appoint all necessary judges and clerks for the same; *provided*, that a sufficient number of precincts be established in each ward so that not more than five hundred voters shall be compelled to vote at any one precinct.

Thirty-seventh: To pass all needful ordinances for preserving order, securing persons and property from violence, danger and destruction, protecting public and private property, and for promoting the general interest and insuring the good government of the city.

Thirty-eighth: To create, establish and maintain fire patrols, and salvage corps, and to provide by ordinance the officers and members thereof, and the rules and regulations which shall govern the same, and may by ordinance contract with any individual, association or corporation for the establishment and maintenance of fire patrols and salvage corps upon such terms and subject to such rules and regulations as the city may, in such ordinance, prescribe, and may set aside and appropriate money for the maintenance or employment thereof, or to carry out such contract.

Thirty-ninth: To provide for or contribute to the support and maintenance of such organizations of the National Guard of Missouri as may be stationed or located in the city, and to acquire, by lease, purchase or otherwise, and hold land and buildings for such purposes.

Fortieth: To purchase and acquire lands or rights-of-way beyond the city limits and outside the State of Missouri for the construction of levees, dikes and other works for the protection from floods and overflow of lands within the city limits, and shall have authority to appropriate funds for that purpose and for the purpose of constructing in whole or in part such levees, dikes and other work outside the State of Missouri for the protection from floods and overflow of lands inside the limits of said city. To establish levee districts within the city, to construct and maintain levees, dikes, drains and other works, and levy and collect special assessments to pay therefor.

Forty-first: The foregoing enumeration of particular powers granted to the Common Council in this charter shall not be construed to impair any general grant of power herein or in this charter contained, nor to limit any such general grant to powers of the same class or classes as those so enumerated; and the Common Council shall have power to pass, publish, amend,

and repeal all such ordinances, rules and regulations not inconsistent with the provisions of this charter or contrary to the laws of the State or of the United States as it may deem to be expedient or necessary in maintaining the peace, order, good government, health and welfare of the city, its trade, commerce, manufactures, or that may be necessary and proper to carry into effect the provisions of this charter.

Nothing in this article contained shall be construed to impair the powers conferred by this charter upon the various boards and departments of the city government or head thereof, or to remove any requirements or restrictions in this charter elsewhere contained.

Forty-second: And the Common Council shall have power to impose, enforce and collect fines, forfeitures and penalties for the breach of any provision of this charter or of any ordinance; to punish the violation of any provision of this charter or any ordinance of the city by fine or imprisonment, or by both fine and imprisonment; but no fine shall exceed five hundred dollars nor imprisonment exceed twelve months for any one offense. Any person upon whom any fine is imposed shall stand committed until the payment of the same, with costs, and in default of such payment shall be imprisoned in the city prison, the workhouse, house of correction or house of refuge, hereinbefore provided; or in case of women or minors, in such other place as may be provided for them at public or private expense, to be designated by the court before whom conviction is had.

Every person so imprisoned in the city prison, the workhouse, house of correction or house of refuge, or other place as herein provided, shall be required to work for the city at such labor as his or her health and strength will permit, within or without said prison, workhouse, house of correction, house of refuge, or other place, not exceeding ten hours each working day, and for such work such person shall be allowed, exclusive of his or her board, fifty cents per day for each day's work on account of said fine and costs. No city prisoner shall be required to labor outside the prison walls while in manacles.

This paragraph shall not be construed as limiting the city to any particular mode or method of enforcing its ordinances, as aforesaid; but the city shall have the right to enforce the same by any appropriate method, which is not inconsistent with or in violation of the constitution or laws of the State of Missouri.

SEC. 2. No appropriation, or payment, shall be made from any revenue or fund account in excess of the amount actually collected and in the treasury and unappropriated. Within the first month of each fiscal year the Mayor and Common Council

shall, by ordinance, as far as practicable, make an apportionment of the revenue to be raised for such year to the expenses of the several departments, and for all public works under proper headings, and for such other objects as it may be necessary to provide for; and the money then in the treasury, subject to apportionment and municipal revenues as collected, shall be distributed into different funds accordingly. At the time, or after making such apportionment, the Mayor and Common Council may, from time to time, by ordinance, appropriate money to the use of a department, and the same may be paid out by such department, subject to limitations in this charter specified, without further action by ordinance; and any balance at any time standing to the credit of a department, unexpended and not set apart by a department for a specific contract, shall be subject to withdrawal, by ordinance, and reappropriation to other uses. All ordinances that contemplate the appropriation or payment of any money, shall, upon their second reading, be referred to the appropriate committee of the house in which such ordinances are introduced, and the committee shall obtain the endorsement thereon of the comptroller to the effect that sufficient unappropriated money stands to the credit of the fund or revenue account therein mentioned, to meet the requirements of such ordinances and that the same is in the treasury, or it shall not be lawful to pass the said ordinances.

SEC. 3. The city, through its Mayor, or through its officers and agents, may at all reasonable times, within the city and within two miles of the city limits, enter into and examine all dwellings, lots, yards, inclosures and buildings, cars, boats and vehicles of every description, to ascertain their condition for health, cleanliness and safety; take down and remove buildings, walls or superstructures that are or may become dangerous, or require owners to remove or put them in a safe and secure condition, at their own expense; shall provide for the safe construction, inspection and repair of all private or public buildings within the city; compel persons to aid in extinguishing fires, or in the preservation of property liable to be destroyed or stolen.

SEC. 4. The style of ordinance passed in pursuance of this charter shall be "BE IT ORDAINED BY THE COMMON COUNCIL OF KANSAS CITY." Ordinances may originate in either house, and may be amended or rejected by either house.

SEC. 5. No ordinance shall be deemed passed by either house until it is signed by the presiding officer thereof, and he shall immediately sign it in open session, and the clerk shall, as soon as possible, transmit the same to the other house; and

if the ordinance shall be passed by such other house without amendment, it shall be immediately signed in open session by the presiding officer thereof and be thereafter presented to the Mayor. If it be amended in such other house, it shall be immediately signed by the presiding officer thereof in open session and returned to the house from which it came, and if the amendment is there concurred in, it shall be immediately signed by the presiding officer of the house so concurring and be thereafter presented to the Mayor. If the Mayor approve any ordinance, he shall sign it; if not, he shall return it to the City Clerk with his objections, and the City Clerk shall, at the next session of the house in which it originated, return it to such house. If in either house any member shall object that any substitution, omission or insertion has occurred, so that the ordinance proposed to be signed is not the same in substance and form as when considered and passed by the house, such objection shall be passed upon by the house, and, if sustained, the presiding officer shall withhold his signature until the proper correction is made:

SEC. 6. If any ordinance presented to the Mayor contains several items of appropriation, he may object to one or more items while approving the other portions of the ordinance. In such case he shall append to the ordinance, at the time of signing it, a statement of the items to which he objects, and his reasons therefor, and return the same to the City Clerk within the same time and manner, with the same effect, as to the items so objected to, and for the purpose of taking the same action in relation to each item of appropriation so objected to as provided for ordinances returned without the approval of the Mayor. But the portions of the ordinance not so objected to shall take effect upon the approval thereof.

SEC. 7. Every ordinance presented as aforesaid, but returned without the approval of the Mayor, and with his objections thereto, shall stand as reconsidered in the house to which it is returned. Such house shall cause the objections of the Mayor to be entered at large upon the journal, and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the ordinance pass, the objections of the Mayor thereto notwithstanding?" The vote upon this question shall be taken by yeas and nays, and the names entered upon the journal; and if two-thirds of all the members elected to such house vote in the affirmative, except when in this charter a larger vote is required, the presiding officer of such house shall certify that fact upon the ordinance, attesting the same by his signature, and send the ordinance, with the objections of the Mayor, to the other house, in which like proceedings shall be had in rela-

tion thereto, and if the ordinance receive a like majority of the votes of all members elected to such other house, except when in this charter a larger vote is required, the vote being taken by yeas and nays, the presiding officer thereof shall in like manner certify the fact upon the ordinance; and said ordinance shall then be and become a law, and shall further be authenticated as having become a law, by certificate signed by the City Clerk, endorsed thereon, as follows: "This ordinance, having been returned by the Mayor, with his objections thereto, and, after reconsideration, having passed both houses of the Common Council by a vote of two-thirds of the members elect of each house, has become a law this.....day of....., 19....., City Clerk."

And such ordinance shall be filed, recorded and preserved in the office of the City Clerk as other ordinances.

SEC. 8. If any ordinance shall not be returned by the Mayor within ten days (Sundays excepted), after it shall have been presented to him for his approval, the same shall become a law in the same manner as if he had approved and signed it; and said ordinance shall be authenticated as having become a law, by certificate signed by the City Clerk, endorsed thereon, as follows: "This ordinance, having remained with the Mayor ten days (Sundays excepted), has become a law this..... day of....., 19....., City Clerk." And said ordinance shall be filed, recorded and preserved in the office of the City Clerk as other ordinances.

SEC. 9. No ordinance shall be revived or re-enacted by mere reference to the title thereof, but the same shall be set forth at length as if it were an original ordinance.

SEC. 10. No ordinance shall be amended by providing that designated words thereof be stricken out and others inserted in lieu thereof, but the ordinance, or section amended, shall be set forth in full as amended.

SEC. 11. When an ordinance is put upon its final passage in either house, and, failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be immediately taken and the subject finally disposed of before the house proceeds to other business.

SEC. 12. All ordinances of the city may be proved by the seal of the city. When printed or published by authority of the city, the same shall be received in evidence in all courts and places without further proof.

SEC. 13. The City Clerk shall cause a correct abstract of the proceedings of the Common Council to be made out and published in at least one newspaper in the city. This abstract shall present in brief the substance of all petitions, memorials and remonstrances, of all motions and propositions, and all ordinances, resolutions and orders, so as to exhibit their nature and import, and shall also present a brief and accurate statement of all proceedings in relation thereto. The communications of the Mayor and other city officers shall be published in full when the Common Council shall so direct; but it shall be so ordered that the expense of publishing the same document the second time shall not be incurred.

SEC. 14. Immediately after the adjournment of any session of either house, the City Clerk shall file in his office all the original ordinances and all resolutions which may have become laws thereat, and shall record the same in well bound books provided for that purpose by the city; *provided*, that no ordinance shall be recorded until it shall have become a law. He shall also make a written index of the subject of each ordinance and resolution, its number and date of becoming a law, together with the record and page where found, and shall preserve the file and records in his office.

SEC. 15. No person or property shall be exempted or released from any burden imposed by or according to law. No general or special tax or assessment, or interest or penalty thereon, shall be remitted or abated, or the right to enforce payment thereon be released, except in correction of clerical errors. After the levy of any tax, neither the amount thereof nor the valuation of any property for the levy shall be reduced except only in the correction of clerical errors.

SEC. 16. The owners of real property may be required, under rules and regulations to be prescribed by this charter and by ordinance, to make repairs of sidewalks, curbing and guttering, or any of them, in front of their property, and on the adjoining side of the street or avenue, and of alleys in the rear or on the adjoining side thereof, and owners, occupants or tenants may be required to keep sidewalks clean and free from ice, snow, earth or other substances, and sprinkle the street in front of property owned or occupied by them and on the adjoining side of the street or avenue, and also to clean the alleys in the rear of such property or adjoining the same, and to keep such streets, avenues and alleys free from filth, dirt and rubbish; such rules and regulations shall be deemed police regulations, and violations thereof may be punished by fine or imprisonment

or both; and any such owners, occupants or tenants, or any person having control of any land or ground, who shall allow or maintain thereon weeds or any rank vegetable growth, may be required to cut, trim and remove the same.

The Common Council may, by ordinance, declare any such weeds or other rank vegetable growth to be a nuisance, and provide for the abatement of the same at the expense of the owner of such property, in any manner prescribed in this charter or ordinance passed pursuant thereto, for the abatement of nuisances. Such rules and regulations shall be deemed police regulations, and violations thereof may be punished accordingly by fine or imprisonment, or both.

ARTICLE IV.

Municipal Officers.

SECTION 1. The chief executive officer of the city shall be the Mayor, who shall be elected by the qualified voters of the city and shall hold his office for a term of two years and until his successor shall have been duly elected and qualified. The executive and administrative authority of the city shall be vested in him, excepting only the authority by this Charter vested in or allowed by ordinance to be conferred upon other officers or the various departments.

SEC. 2. No person shall be Mayor who has not resided in the territory embraced within the city limits for the five years next preceding the date of his election, and who does not possess the qualifications of a member of the Upper House of the Common Council as hereinbefore defined; nor shall any person continue in the office of Mayor who shall have ceased to possess any of the said qualifications.

SEC. 3. The Mayor may be removed from office for any misdemeanor or other offense, by a concurrent vote of two-thirds of both houses of the Common Council elect, and the yeas and nays shall be entered upon the journal of each house.

SEC. 4. The Mayor shall take care that the laws of the State, the provisions of this charter and the ordinances of the city are enforced. He shall, from time to time, give the Council information relative to the state of the city and shall recommend to their consideration such measures as he shall deem expedient and for the advantage of the city. He shall have power to appoint, in the manner provided by this charter, all city officers, agents and employes not elected by the people or otherwise appointed. In all cases where by this charter, or any ordinance of the city, the Mayor is authorized to appoint any officer, and such appointment is required to be confirmed by the Upper House of the Common Council, it is hereby made his duty to make such nomination within such time as may be prescribed by ordinance. If the Upper House of the Common Council shall refuse its consent to any such nomination made by the Mayor, he shall, within five days, nominate another person to fill such office. If he fail to make a nomination within that time, his power of appointment shall cease during the remainder of the term for which

such officer is to be appointed, and the said Upper House of the Common Council shall appoint a suitable person to fill the office during the term.

The Mayor may, upon good cause shown, and subject to the provisions of this charter in reference to the Board of Pardons and Parole, remit fines, forfeitures and penalties accruing from or imposed for the violation of any city ordinance, but such remission shall be effective only upon report of the same to the City Comptroller.

When the consent of the Upper House of the Common Council is required by this charter to the appointment of any officer, such consent can only be given by a majority of the Upper House of the Common Council elect, voting for such appointment.

SEC. 5. The President of the Upper House of the Common Council shall perform the duties of Mayor whenever and so long as the Mayor is absent from the city, or from any cause is unable to perform his official duties. If the Mayor and President of the Upper House are both absent from the city, or otherwise disabled from performing the duties of Mayor, the Speaker of the Lower House of the Common Council shall, for the time being, discharge the duties of such office, and the compensation of the President or Speaker, while acting as Mayor, shall be fixed by ordinance.

SEC. 6. The Mayor shall have power, when he deems it necessary, to require any officer of the city to exhibit his accounts or other papers, and to make report in writing touching any subject he may require pertaining to his office. He shall ex-officio be a member of all appointive boards, but without the right to vote therein.

SEC. 7. There shall be a City Counselor and City Auditor who shall be appointed by the Mayor. There shall be a City Clerk who shall be elected by the two houses of the Common Council in joint session. There shall be a City Assessor and a Purchasing Agent who shall be appointed by the Mayor, by and with the advice and consent of the Upper House of the Common Council. All of said officers mentioned in this section, shall hold their offices for a term of two years, unless sooner removed, and in all cases until their successors are appointed and qualified. All of the officers mentioned in this section shall perform such duties as may be prescribed by this charter, or any ordinance of the city, pursuant thereto; *provided*, however, that the City Counselor, City Clerk and City Assessor in office at the time this

charter goes into effect shall continue in office until the third Monday in April of the year 1909, in all respects as though appointed hereunder, and the first appointment of the City Counselor shall be for a term ending on the third Monday in April of the year 1910. The City Auditor in office at the time this charter goes into effect shall hold office hereunder until the third Monday in April of the year 1910, subject to the terms of this charter in every respect as though he were appointed to such office hereunder, and the first appointment of a City Auditor for the term beginning the third Monday in April, 1910, shall be for one year only.

In case the Mayor fails to make any appointment provided for by this charter for ten days after it becomes his duty to make such appointment, the office shall be filled by a majority vote of the members elect of the Upper House of the Common Council.

SEC. 8. There shall be a Comptroller and a Treasurer, and a Judge of the Municipal Court, who shall be elected by the qualified voters of the city, who shall hold their offices for a term of two years, and in all cases until their successors have been duly elected and qualified, and who shall, in addition to the duties prescribed in this charter, perform such other duties as may be provided by ordinance, pursuant thereto.

SEC. 9. Whenever a vacancy shall occur in any office provided by law to be filled by election by the qualified voters of the city, except members of the Common Council, it shall, except as otherwise provided in this charter, be filled for the remainder of the term by election by joint ballot of the two houses of the Common Council sitting in joint session, but no member of either house of the Common Council shall be eligible for election. Within five days after such vacancy occurs it shall be the duty of the President of the Upper House to convene said joint assembly. Any such vacancy, except in the office of Mayor, may be filled temporarily by appointment by the Mayor until a successor has been duly elected as last aforesaid, and qualified.

The City Comptroller in office at the time this charter goes into effect shall be the first Comptroller, as if elected hereunder, to hold office, however, until the third Monday in April, 1909, and his successor shall be appointed by the Mayor for the term ending the third Monday in April, 1910. At the general city election to be held in 1910 a comptroller shall be elected to serve for two years. The Treasurer of Kansas City in office the time this charter goes into effect shall be the first Treasurer as if elected hereunder, for the term ending on the third Monday of April, 1910.

The Police Judge of Kansas City in office at the time this charter goes into effect, shall exercise all the powers and perform all the duties of judge of the Municipal Court as if elected hereunder, until a judge of the Municipal Court shall be elected at the general city election held in April, 1910.

SEC. 10. There is hereby created a court not of record to be known as the Municipal Court of Kansas City. Such court shall be presided over by a judge who shall, at the time of his election, have been for five years a member in good standing of the bar of Jackson County, Missouri. The city may, by ordinance, divide the Municipal Court into two or more divisions, prescribe the time and place of holding each of such divisions, the territorial district of the city within which each division shall exercise jurisdiction, and provide for the election, at any general election, of additional judge or judges to preside over such additional division. When such Municipal Court is divided into divisions, each of such divisions shall possess the same powers and jurisdictions, except as to territorial limits; and any judge of any division may preside in any other division when required by ordinance so to do. Such court, or each division thereof, shall have a clerk appointed in accordance with the Civil Service rules in this charter provided, whose duty shall be to file all proceedings therein, issue all process and perform such duties as may be required by ordinance. The Municipal Court and each division thereof, shall have jurisdiction of all cases arising under any provision of this charter or any ordinance of the city, and shall likewise exercise such jurisdiction as may be delegated to it by the general law of the State of Missouri.

In suits for the collection of taxes, or for the enforcement of special tax bills, and in proceedings for taking and damaging private property, for the establishment of bill board restrictions and other easements, and for ascertaining damages caused by change of grade, or other exercise of the power of eminent domain, the jurisdiction of the Municipal Court shall be concurrent with the Circuit Court of Jackson County, Missouri. In all other cases, the jurisdiction of the Municipal Court shall be exclusive.

Whenever a person shall be arrested by a policeman for an offense against the city, which is also an offense against the State, he shall be tried in the Municipal Court.

Appeals may be taken from the Municipal Court to the Circuit Court of Jackson County, Missouri, in all cases, except the imposition of fines or penalties for the breach of any city ordinance, in which case the appeal shall be to the Criminal Court of Jackson County. The Municipal Court shall have and exercise the powers of a Circuit Court for the preservation of order

and enforcing process issued in the course of proceedings may summon and compel the attendance of witnesses, and when, by this charter, a jury is allowed, may summon and compel the attendance of jurors, pass on the competency of evidence, and instruct the jury on questions of law. The Common Council of the city may, by ordinance, regulate the practice in said court in a manner not inconsistent with this charter or the constitution and laws of the State of Missouri. The judge or judges of the Municipal Court shall be ex-officio Justices of the Peace, and have and exercise in addition to any jurisdiction conferred by this charter, such powers and jurisdiction as may be delegated to them by any law of the State of Missouri.

The Municipal Court, or the Clerk thereof, shall pay over to the City Treasurer, daily, all money collected from fines, penalties or other source.

SEC. 11. It shall be the duty of the Comptroller to exercise a general supervision over the collection and return into the city treasury and disbursement of all the revenues and other moneys of the city, and over the proceedings therefor; over all property, assets and claims, and over the custody, sale or other disposition thereof. He shall see that all proper and legal proceedings are had to recover, keep and manage such property and other interests, and that all proper rules and regulations are prescribed and observed in relation to all accounts, settlements and reports regarding the fiscal concerns of the city. He shall see that no appropriation of funds is overdrawn or misapplied, and that no liability is incurred, nor money or property of the city disbursed or disposed of contrary to the letter and spirit of law. He shall have charge of all the general accounts of the city, and prescribe the method and manner of keeping books of general as well as of subsidiary accounts in all of the offices and departments, and the form of receipts and vouchers. He shall have general supervision and direction over all accounting officers, and shall have access to all books and records of the depositories and fiscal agents of the city. He shall promptly report in writing to the Mayor, and to the Common Council, any default or delinquency he may discover.

Whenever it shall be found that any officer, clerk or employe shall have refused or failed to keep any of the books or records, or shall have refused or failed to transmit vouchers or papers pertaining to or in support of accounts, in the manner prescribed by charter, or ordinance, or in manner necessary to support or verify accounts as the same may have been required by the Comptroller to be kept, such refusal or failure shall constitute a misdemeanor, punishable by fine of not less than One Hundred nor more than Five Hundred Dollars, or by imprisonment for not less than thirty nor more than ninety days, or by both such

fine and imprisonment. The Comptroller may administer oaths and may require all settlements, returns, reports and claims to be verified by affidavit. A complete double-entry system of general accounts shall be devised and installed, which shall contain a complete classification and summary, (1) of all current revenues accrued to the city, (2) of all expenses incurred by the city, (3) of all resources and liabilities of the city, and the accounts of resources and liabilities shall be so classified that at any time the city may know (a) what liabilities are current (due or to become due within the fiscal period), and what assets may be made available to meet said current liabilities, and (b) what liabilities have been incurred and appropriations made for permanent properties and improvements, and the fund on hand for permanent properties and improvements, and properties acquired for continuous use, and also (4) of every levy of special taxes and assessments and the collections and disbursements on account thereof, and other payments and discharges thereof, showing at all times the condition of every account arising from such taxes and assessments.

SEC. 12. After money shall have been duly appropriated by ordinance, whether generally to the use of a department or for a special purpose, the same may be paid out by the officer or department having charge of the expenditure by requisition upon the Auditor for warrants upon the Treasurer, without further action of the Common Council, *provided*, however, that in the case of the Board of Fire and Water Commissioners, no contract shall be made binding the city when the consideration or total liability is more than Five Thousand Dollars, unless such contract be approved by the Common Council, and in case of all other departments, contracts may not be made when the consideration or total liability is more than Twenty-five Hundred Dollars, without such approval.

Claims against the city shall, before payment, be approved by the head of the department, or the President of the Board to which the expense is chargeable, and if not chargeable to any department, they shall be approved by the Mayor, and shall also be approved by the officer or agent who incurred the obligation, and when the claim is for materials, goods or supplies, shall bear a certificate as to quantity and quality signed by the person who first received such materials, goods or supplies on behalf of the city. The City Auditor shall examine such claims and see that they are arithmetically correct, are in proper form, and that they bear the approval of the persons required by law, and when correct and in form and duly approved, he shall, upon the requisition of the department or the Mayor, as the case may be, draw warrants on the City Treasurer in payment of the same.

It shall be the duty of the Comptroller to countersign warrants for all claims justly due and owing from the city, but he shall not countersign any warrant unless there be, at the time, money in the treasury duly appropriated by ordinance and properly applicable to the payment thereof. Money in the treasury, standing in a sinking fund or resulting from a levy of taxes for the payment of bonds or interest, shall be considered duly appropriated for the payment of the particular bonds or interest for which levied or accumulated, without further ordinance to that effect, and money in special trusts paid into the treasury pursuant to condemnation proceedings or resulting from special taxes or assessments, shall be considered duly appropriated to the purpose for which collected, received or held, and may be paid out accordingly. For the payment of bonds of the city or interest thereon, or for any money in special trusts as aforesaid, the Comptroller shall, with the written approval of the Mayor, make a requisition upon the Auditor for a warrant on the Treasurer for that purpose.

SEC. 13. Neither the Common Council nor any department or officer of the city, except the Comptroller, in a single instance in this charter provided, shall have authority to make any contract or do any act binding the city, or imposing upon the city any liability to pay money until a definite amount of money shall first have been appropriated, or set aside by a department out of money already appropriated for the liquidation of all pecuniary liability of said city under said contract, or in consequence of said act; and the amount of said appropriation or money so set aside, shall be the maximum limit of the liability of the city under any such contract or in consequence of such act, and said contract or act shall be *ab initio* null and void as to the city for any other or further liability; *provided*, however, that nothing in this charter contained shall preclude the city from making contracts for the period not exceeding ten years for the disposition of garbage or offal, under the regulation contained in Article XIV of this charter, nor from making contracts for the cleaning and sprinkling of streets, alleys and public places, or any part thereof, for periods not exceeding five years, nor from making contracts for repairing or maintaining streets for periods not exceeding three years. Money shall be considered as so set aside by a department only when upon order of the department the Comptroller shall transfer the amount to a special account for the purpose of the special contract, and shall give his statement in writing to that effect. Any member of the Common Council, who shall knowingly vote for any appropriation of money or the making of any contract in violation of this charter, or any officer of the city who shall knowingly do any act to

impose upon the city any pecuniary liability in excess of the authority in the charter limited, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than One Hundred nor more than One Thousand Dollars or imprisonment in the county jail not less than one month nor more than one year, or by both such fine and imprisonment.

SEC. 14. The Comptroller is specially charged with the preservation of the credit and faith of the city in relation to its bonded indebtedness. At the first meeting of the Common Council in each fiscal year, he shall certify to the Lower House the amount of money necessary to be raised by taxation for the payment of bonds and interest maturing, during the current fiscal year, and also the amount necessary to meet all obligations of the city on account of sinking funds for bonds outstanding, setting forth fully in detail the condition of the entire bonded indebtedness and sinking funds and showing the amount of money needed for each series, or issue of bonds, for interest, for principal, and for sinking fund. If necessary to preserve the public credit, the Comptroller may anticipate any part of the annual revenue levied for the purpose of paying bonds and interest, and may, with the approval of the Mayor, obtain loans on the credit and faith of the city to meet bonds interest about to fall due.

SEC. 15. Sinking funds for bonds of the city may be invested by the Comptroller in bonds of the United States, of the State of Missouri, of the County of Jackson, of the School District of Kansas City, or of Kansas City, on the best terms obtainable, and he shall at all times keep a full and accurate description and account of all bonds outstanding in each and every sinking fund. The Comptroller, by and with the consent of a majority of the members-elect of the Upper House of the Common Council, shall sell the securities belonging to a sinking fund, or any part of them, on the best terms obtainable, when the proceeds thereof may be needed for the payment of bonds, and he may, with such consent, exchange any bonds belonging to a sinking fund for bonds of the city whenever such exchange is advantageous to the city. Any moneys remaining in a sinking fund after payment of the entire bonded debt for which it was accumulated, shall be paid into the general fund.

Whenever any bonds, interest coupons or other written or printed evidences of debt of the city shall be paid and discharged, they shall be cancelled by the Comptroller in the presence of a committee of the Lower House of the Common Council, and such committee shall report to such House a full and detailed description of said bonds so cancelled and burned, which report shall be entered upon the minutes of the Lower House in full.

SEC. 16. All departments of the city and all officers keeping accounts shall, within ten days after the close of each fiscal year, make reports to the Comptroller showing the financial transactions for such year, in such form and detail as may be required by ordinance, and shall make such other reports as he, or either House of the Common Council may, from time to time, require. The Comptroller shall make annual reports to the Common Council covering the financial affairs of the city for each fiscal year, within fifteen days after the close thereof, transmitting with such report the reports for the year of all departments and officers; shall make regular intermediary reports as may be prescribed by ordinance, and shall make special reports whenever requested by the Mayor or by either House of the Common Council, on the financial condition of the city. The Comptroller's report and such portions or summaries of the other reports as may be required by ordinance, shall be printed within thirty days for distribution. He shall provide and keep in his office reliable and complete tables of all property and assets of the city, all contracts, names of contractors, and names of employes, in such manner as to show the department in which they are employed, their salaries, powers and duties, and how appointed. He may, subject to the Civil Service laws, rules and regulations contained in or provided for by this charter, appoint such deputies and clerks as may be provided for by ordinance. No person shall be elected to the office of Comptroller who has not resided in the city five years next before his election, and shall not have attained the age of thirty years.

SEC. 17. It shall be the duty of the Treasurer to receive and keep the money of the city and pay out the same on warrants drawn by the Auditor and countersigned by the Comptroller and not otherwise. He shall collect all taxes and licenses levied or charged by the city, and all moneys due the city from any source, except as otherwise provided by law, pursuant to this charter, for collection by others; he may, subject to the Civil Service rules, laws and regulations contained in or provided by this charter, appoint such deputies and clerks as may be provided for by ordinance, and he shall be responsible for all the acts of his deputies and clerks. All moneys belonging to the city and received by any officer or agent thereof shall promptly be deposited in the treasury and the Treasurer shall daily deposit all moneys received by him in the depository banks of the city. For all moneys received the Treasurer shall give a duplicate receipt, one of which shall be countersigned by the Auditor before delivery to the party paying, and the other shall be delivered to and retained by the Auditor. Both the Treasure and Auditor shall

daily report to the Comptroller the amount of money received into the treasury and from what source.

SEC. 18. Immediately after the third Monday in April following each general election, and whenever occasion may require, the Mayor, Comptroller and City Counselor shall select banks or banking institutions in the city, which will give a satisfactory rate of interest for a period beginning on the first day of August next ensuing and ending in one or two years, for the current deposit of the city funds estimated on daily balances and paid monthly on the first day of each calendar month; and the city Treasurer shall keep the city's funds in the banks or banking institutions so selected; provided, however, that before any bank or banking institution shall be so selected or deposits made therein by the Treasurer, such bank or banking institution shall give bond in such amount as shall, from time to time, be prescribed by ordinance, with good and sufficient sureties to be approved by the Mayor and a two-thirds vote of the members-elect of the Upper House of the Common Council, for the safe-keeping and prompt payment when demanded by the Treasurer of said funds and every part thereof deposited in such bank or banking institution, and shall at all times keep the sureties on the bonds satisfactory to the Mayor and Upper House of the Common Council, and the amount of such bonds may from time to time be increased by the Mayor and Upper House of the Common Council. It shall be the duty of the Treasurer, whenever requested by the Mayor, to send a circular letter to each bank and banking institution in the city, soliciting bids for keeping the funds of the city for the term herein specified and until a new selection shall be made and the funds removed. The Treasurer shall divide said funds into three or more equal parts as near as may be practicable, as may be determined by the Comptroller, and the bids may be for one or more of such parts. The circular shall state the conditions to be complied with by the bidders and what each bid shall set forth and what security, if any, is required to accompany each bid; and that the bidder will comply with the terms thereof if accepted. Bids sent to the city Treasurer shall be sealed and marked, "Bids for City Funds," and the Treasurer shall endorse thereon the time of the receipt of the same, and he shall open the bids on the day named in the circular letter in the presence of the Mayor, Comptroller and City Counselor, who shall select and designate three or more of such banks or banking institutions as depositaries of the city funds. The Mayor, Comptroller and City Counselor may accept the highest and best bids for any of said parts of said funds, except that no one bid may be accepted for more than one-third of the whole funds, or they may reject all bids or accept a bid or bids for one or more of said parts, and reject the other bids;

if the bid or bids for all of said funds are not accepted they shall immediately direct the Treasurer to invite new bids, in the manner hereinbefore provided, for the parts of said funds for which no bid is accepted. Interest on city funds paid by banks or banking institutions shall be credited by the Treasurer into the general fund of the city. The Treasurer shall not be responsible for any loss from any failure or default of such bank or banking institution. The Treasurer, as full compensation for his services, shall receive such salary as may be prescribed by ordinance, and shall receive no fee whatever for any services performed by him.

SEC. 19. The Treasurer shall have the custody and care of all bonds and other securities belonging to sinking funds, and he, and the sureties on his bond, shall be liable for any loss or misappropriation of the bonds or securities or the proceeds thereof, the same as for any money of the city for which he is liable. The City Comptroller shall turn over to the City Treasurer, as soon as obtained, all bonds and securities purchased for sinking funds, taking the Treasurer's receipt therefor, which he shall carefully preserve in his office, and the fact of such delivery shall relieve the Comptroller of responsibility for any loss or misappropriation of the bonds and securities. The Treasurer shall collect said bonds and securities and the interest thereon as the same or any part thereof may become due, and shall report the collection of the same to the Comptroller. When it becomes necessary to sell or exchange bonds or securities as provided in this charter, the Comptroller may make his requisition in writing on the Treasurer, with the written approval of the Mayor endorsed thereon, for such of the bonds and securities as he may require, and on such requisition so approved, the Treasurer shall deliver the bonds and securities to the Comptroller, taking his receipt therefor, and the fact of such delivery shall relieve the Treasurer from any responsibility on account of the bonds and securities so delivered, and transfer the same to the Comptroller and his sureties.

SEC. 20. At least once in each fiscal year, and oftener if necessary, the Lower House of the Common Council, by committee, shall, without notice given, inspect and count the bonds and other securities in the custody of the Treasurer belonging to the sinking funds. Such committee shall make a detailed report to the Lower House of the Common Council of the result of the inspection and count, giving the number and amount of the bonds and other securities and their description, and such report shall be spread in full on the minutes of the Lower House of the Common Council.

SEC. 21. The City Counselor shall, in person or by his assistants, appear in the Municipal Court and attend to all cases of criminal or civil nature arising therein in which the city may be a party or in any wise interested, and he shall in person, or by his assistants, appear for the city in all courts in this state wherein the city may be a party plaintiff or defendant, or a party in interest, and shall perform such other duties as may be prescribed in this charter, or by ordinance. He shall, subject to the Civil Service rules, laws and regulations contained in or provided for in this charter, appoint such assistants, claim agents and persons to assist him in the legal business of the city as may be provided by ordinance.

SEC. 22. It shall be the duty of the City Clerk, in person or by deputy, to attend all meetings of each House of the Common Council, and to keep a true record of its proceedings and also to keep a record of all official acts of the Mayor, and when necessary to attest them; he shall also keep and preserve in his office the corporate seal of the city, and all records, public papers and documents of the city not belonging to any other officer. He shall be authorized to administer oaths; and copies of all papers filed in his office and transcripts from the records of the proceedings of the Common Council duly certified by him under the corporate seal of the city shall be taken as evidence in all courts of this state; and he shall perform such other duties as may be prescribed by ordinance. He shall, subject to the Civil Service laws, rules and regulations contained in or provided for by this charter, appoint such deputies and assistants as may be provided by ordinance. He may be removed for any cause specified in this charter by a two-thirds vote of both Houses of the Common Council in joint session. Any vacancy in the office of the City Clerk shall be filled by election by the two Houses of the Common Council in joint session.

SEC. 23. The City Auditor shall be a competent accountant. He shall draw warrants upon the treasury for all payments authorized or required to be made by this charter, or by any ordinance passed in pursuance thereof; shall countersign all receipts given by the Treasurer for money, retaining a duplicate thereof and shall keep accounts showing at all times the condition of every fund in the treasury. He shall extend all taxes, and shall at least once in every year audit, examine, verify and prove the accounts and all documents and vouchers pertaining thereto in all departments and offices of the city where books of account are kept, and count cash on hand, and make reports immediately after such examination and proof to the City Comptroller. He shall, for such purposes, have access to all books of account and

documents and vouchers pertaining to accounts in all departments and offices at such reasonable times as may be necessary to his duties. He shall perform such other duties as may be prescribed by ordinance not inconsistent with this Article. He shall, subject to Civil Service laws, rules and regulations contained in or provided for by this charter, appoint a deputy and such assistants as may be provided by ordinance.

SEC. 24. There is hereby established a department to be known as the Purchasing Department, which shall be in charge of the Purchasing Agent. Subject to the Civil Service laws, rules and regulations contained in or provided for by this charter, he may appoint such assistants as may be allowed by ordinance.

The department shall, subject to such rules and regulations as may be prescribed by ordinance, or the terms of this charter, purchase all goods, supplies; machinery and materials, and all things whatsoever required by the city or any department thereof, except such purchases as may, by this charter, be authorized to be made by others. The various departments of the city shall, from time to time, make requisition upon the Purchasing Agent for such supplies, goods, materials, machinery and other things as they may need, and shall exhibit to the Purchasing Agent the statement of the Comptroller that the necessary funds have been appropriated and set aside to pay for the same. It shall be the duty of the Purchasing Agent, promptly and expeditiously, to purchase all the supplies, goods, materials and machinery, and other things required by the various departments, and so far as may be done and whenever the interests of the city will be thus promoted, to purchase goods, supplies and materials at wholesale or in bulk and pay for the same out of any funds appropriated to this department for that purpose. Whenever any goods, supplies or materials shall be required by any department, the same may be supplied, so far as possible, out of the general stores of the purchasing department, and when so supplied they shall be paid for by the department using them in every respect as to form and method of procedure as though the same had been purchased specially, except that the warrant in payment shall be payable to the credit of the purchasing department and shall be deposited in the treasury and credited to the funds of the purchasing department and shall be considered as duly appropriated to the uses of such department. The Purchasing Agent, upon the last day of each month, shall make full inventory and report of all goods, supplies and materials on hand and all funds remaining appropriated and unexpended in the department, and shall deliver one copy of such report to each House of the Common Council and one copy to the Mayor: and the Common Council may, from time to time, direct that any portion of funds appro-

priated to the purchasing department and standing to its credit, be deducted and transferred to the general fund of the city.

SEC. 25. Any officer elected by the people (not intending here to include members of the Common Council) may be suspended by the Mayor and removed by the Lower House of the Common Council for cause. Whenever the Mayor shall suspend any elected officer he shall immediately notify the Lower House of the Common Council of such suspension and cause therefor. If the same be not in session, then he shall immediately call a special session thereof in such manner as is provided for calling special sessions of the Common Council. The Mayor shall present charges against such suspended officer, who shall have the right to appear with a legal adviser for his defense, hear all proof, and make defense thereto, offering proof in his own behalf. If two-thirds of all the members-elect of such House shall, by resolution, sanction the action of the Mayor, then the suspended officer shall thereby be removed from office, but unless such action of the Mayor is sanctioned by such two-thirds vote, then such officer shall be immediately reinstated. Any officer, or the incumbent of any Board appointed by the Mayor, whether appointed with or without confirmation, may be suspended by the Mayor. The Mayor shall immediately notify the Upper House of the Common Council of any such suspension and unless said Upper House shall, not later than the second session thereafter, by a two-thirds vote of the members-elect thereof, declare that such officer ought to be reinstated, the said officer shall be considered to be removed, and the Mayor shall notify him of such removal. But such officer shall be reinstated if within said time the Upper House of the Common Council shall, by a two-thirds vote, declare that he ought to be reinstated. In all cases of suspension in any such office, the Mayor may temporarily fill the office by appointment and the temporary appointee shall hold the office until the reinstatement of the suspended officer or until his final removal. In all cases of a vacancy in any such office, the Mayor shall at once appoint a proper person to fill such vacancy, and if the appointment to such office is required by this charter to be confirmed by the Upper House of the Common Council, the Mayor shall report the name of such person to the Upper House of the Common Council in all respects as when the appointment was first made. Appointments to fill vacancies shall be for the unexpired term only.

If any officer or employe of the city shall, knowingly, be directly or indirectly interested in any contract under the city, or in any work done by the city, or in furnishing any supplies for the city or any of its institutions, or in the sale of any property to or for the city, he shall be guilty of a misdemeanor and be

punished upon conviction by a fine of not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail for not less than one month nor more than one year, or both such fine and imprisonment.

All officers of the corporation shall reside within the city limits during their continuance in office, and if any of them shall cease to reside within the city limits, his office shall be thereby vacant. No officer shall hold two appointments under the city government.

SEC. 26. All Boards, except as herein otherwise provided, shall be composed of three members appointed by the Mayor for the terms in this charter provided, and the appointees shall, in all cases, serve until their successors are appointed and qualified. Not more than two voting members of any Board shall be adherents of the same political party. All members of Boards shall be resident taxpayers and qualified voters of the city, and shall have resided within the territory embraced within the city five years next before their appointment. No member of any Board shall hold any other office or employment under the United States, the State of Missouri, or any municipal corporation or political division thereof. If any member of any Board shall remove from the city, or shall accept any appointment to or nomination for or become a candidate for any political office, he shall be deemed to have resigned as a member of said Board.

Every member of a Board, before entering upon the duties of his office, shall take and subscribe before the City Clerk the oath that he will support the Constitution of the United States and of the State of Missouri, and the provisions of this charter, and faithfully discharge the duties of his office, which oath shall be endorsed upon or attached to his certificate of appointment and filed with the City Clerk.

SEC. 27. It shall be the duty of each Board at the beginning of the fiscal year to estimate what sums of money may be necessary for the current fiscal year to enable such Board to discharge the duties imposed upon it. The Board shall certify the same to the City Comptroller, and the Common Council is hereby required, in the first apportionment ordinance of the fiscal year, to set apart and apportion for each of such departments the amount the Common Council may deem necessary, payable out of the annual revenue of the city, and each Board shall have power, subject to the provisions of this Article, by requisition upon the Auditor for warrants, signed by the President, countersigned by its Secretary, to expend money after the same has been duly appropriated to the expense and use of the department.

Each Board shall, with the concurrence of the Common Council, fix a general schedule of the number, grade and compensation of all agents and employes in the department under its supervision and control. *Provided*, that this section shall not limit the power of the Boards and heads of departments, as given elsewhere in this charter, to employ day laborers or temporary employes in emergencies without previous authority by ordinance.

SEC. 26. The President of each Board, and in his absence or disability, any other member of the Board appointed president *pro tempore* by resolution of the Board, is authorized to sign, execute and acknowledge in the name of the Board all contracts and documents of any character, required or authorized by this Article and by resolution of the Board and to sign requisitions upon the City Auditor for funds under control of, and to be expended by the Board. All requisitions shall be countersigned by the Secretary, and in his absence or disability by some member of the Board other than President or President *pro tempore*. Each Board shall have power and it shall be its duty to make by-laws, rules and regulations for the orderly transaction and conduct of its business, and to make and enforce contracts in the name of the city to carry out the purposes expressed in this Article.

SEC. 29. Every officer of the city, before entering upon the duties of his office, shall take the same oath provided for members of the Common Council by Section four of Article II of this charter, which said oath shall be endorsed upon or attached to his certificate of election or appointment, and he shall deliver the same to the City Clerk. The City Comptroller, before entering upon the duties of his office, shall give bond to the city, conditioned upon the faithful performance of his duties, and the faithful handling of all money and property of the city that may come into his hands, in the sum of One Hundred and Fifty Thousand Dollars, which sum may be increased by ordinance, with good and sufficient sureties to be approved by the Mayor and Upper House of the Common Council. The City Treasurer, before entering upon the duties of his office, shall give bond to the city, conditioned upon the faithful discharge of his duties, and the safe-keeping and faithful accounting for all moneys and property of the city that may come into his hands, in the sum of not less than One Hundred and Fifty Thousand Dollars, with good and sufficient sureties, to be approved by the Mayor, City Counselor, and City Comptroller. The City Purchasing Agent, and all other officers, employes and agents of the city receiving, collecting or handling money of the city, shall similarly give bond in such sums and upon such conditions as may be required by

ordinance. And the Common Council may, by ordinance, prescribe and fix bonds for any officers, employes or agents of the city. All bonds required by this Charter or provided for by ordinance shall be approved as to form by the City Counselor, and as to sureties by the City Comptroller, except the bond of the City Comptroller, which shall be approved as in this charter provided.

For any breach of the condition of any bond herein provided for, suit may be instituted thereon by the city or by any person or persons claiming to have been injured by reason of any such breach, in the name of the city and to the use of such person or persons. If any officer fails to deliver to the City Clerk his certificate and oath of affirmation, as herein required, within twenty days after his election or appointment, the office to which he may have been elected or appointed shall be deemed vacated. The City Clerk shall make out and certify copies of all certificates of election and appointment and deliver the same to the Comptroller. The Comptroller shall have the custody of all bonds given for the faithful discharge of duties, except that the City Clerk shall keep and hold the bond of the Comptroller. Corporations duly authorized and empowered by the laws of the State of Missouri to sign as sureties or give bonds for the faithful discharge of duty by public officers and others, and regularly engaged in such business, may be accepted in whole or in part as sureties upon bonds required by this charter of any officer, agent or employe or depository of the city funds, at the discretion of the authority required to pass on the sufficiency of such bonds.

The city shall pay any premium necessary to be paid for bonds required by ordinance to be given by any member of any Board.

It shall be the duty of the City Clerk to record certificates of election or appointment with the oath thereto attached or thereon endorsed, within five days after the same is delivered to him. It shall be the duty of the Mayor to sign and deliver such certificate at the time of appointing any officer.

If any financial officer of the city shall buy or sell, for the purpose of speculation, any indebtedness of the city, or deal therein during his term of office, he shall be guilty of a misdemeanor, and be punished upon conviction by a fine of not less than One Hundred Dollars nor more than Five Hundred Dollars, or imprisonment in the county jail for not less than one month nor more than one year, or by both such fine and imprisonment.

The sale, encumbrance, or assignment by officers and employes of the city of the salary, wages or compensation paid or to be paid them by the city is prohibited, and shall convey no

right to the vendee, assignee, or mortgagee thereof, whether said salary, wages, or compensation be earned or unearned.

The Common Council shall, at least thirty days before each city election, by ordinance, subject to the limitations of this charter, fix the salaries of all officers for the ensuing official term, and shall not increase or diminish the salary of any officer during his term of office, except that the salary of the Purchasing Agent may be increased during his continuance in office, as he serves without term.

ARTICLE V.

Revenue—Taxation.

SECTION 1. The city shall have power, by ordinance, to levy and collect a general tax of not exceeding one per centum for each fiscal year upon all property in the city not by general law exempt from municipal taxation. And the city may, under the authority of any provision of the constitution or general laws of this State, now and hereafter existing, exempt any class of property within its jurisdiction from taxation, either wholly or by reduction of the rate thereon; *provided*, that any taxation or exemption from taxation shall be uniform upon the same class of subjects within the city.

SEC. 2. For the purpose of erecting public buildings the Common Council may in any fiscal year increase the one per cent heretofore authorized in section one of this article, not to exceed two and one-half mills on the dollar. But such increase shall not be made unless an ordinance authorizing such increase and defining the purpose thereof shall have first been submitted to a vote of the people by a proclamation of the Mayor at a general or special election, and two-thirds of the qualified voters of the city voting at such election shall vote therefor. No such submission shall be deemed legal and effective unless there shall have been published for fifteen successive days immediately preceding such election, in at least two daily newspapers published in Kansas City, a full verbatim copy of such ordinance and such proclamation of the Mayor.

SEC. 3. Every person owning or holding property subject to taxation for municipal purposes on the first day of January of any calendar year, including all property purchased on that day, shall be liable for taxes thereon for the fiscal year beginning on the third Monday in April next thereafter.

SEC. 4. The Assessor may, subject to the Civil Service laws, rules and regulations contained in or provided for by this charter, appoint one or more competent deputies, not exceeding the number that may be limited by ordinance, who shall have and exercise, under the supervision of the Assessor, any and all of the powers and duties of the Assessor, and he may remove such deputies at his pleasure.

SEC. 5. The Assessor shall, at least ten days before the first day of January in each year, give public notice by advertisement in some daily newspaper published in the city, that all persons owning or having in their possession, or under their control, whether as owner or agent of another, on the first day of January next ensuing, personal property subject to municipal taxation, are required to deliver to him, at his office, on or before the fifteenth day of February next, lists of all such property, classified as required by law, with the true value thereof; and that every merchant doing business in the city is required within the same time to furnish to him, at his office, a true statement verified by oath or affidavit of such merchant or his agent, of the highest amount in value of all goods, wares and merchandise owned or kept on hand for sale by such merchant during the three months next preceding such first day of January.

SEC. 6. It shall be the duty of the City Assessor on or before the fifteenth day of March of each year to make and return to the City Clerk a full and complete assessment of all property, real and personal, in the said city on the first day of January next preceding, and not exempt from municipal taxation, excepting the goods, wares and merchandise kept on hand for sale by merchants, and excepting the property of corporations whose capital stock is liable to taxation, at the cash value of such property; also a list of all merchants doing business in the city, with the cash value of the highest amount of goods, wares and merchandise so owned or kept on hand for sale by each during the three months next before the first day of January next preceding; also a list of all corporations whose capital stock is liable to taxation, with the cash value of shares of stock of each of said corporations. All real estate assessed shall be returned in one book, and all other lists in one book under separate headings; *provided*, that the Assessor may make each of said tax books in as many volumes as may be necessary for convenient handling. Such books shall contain appropriate blank columns for the extension of all taxes therein, and shall be certified, verified and returned as hereafter provided.

SEC. 7. It shall be the duty of the City Assessor in making telegraph and other property owned by corporations in the city and returning assessments provided by section six of this article, to include therein all railroad, street railroad, telephone, limits of the city, which is not assessable by the State Board of Equalization. He shall each year procure copies of returns made by such corporations to the Clerk of the County Court of Jackson County, Missouri, in pursuance of Article VIII, Chapter 149, Revised Statutes 1899, and all amendments thereto, and copies

of the certificates of the County Court of said County to the State Board of Equalization, showing the valuation and assessment made by said Court upon property to be assessed and equalized by said Board of Equalization. He shall keep said copies in the files of his office, and deliver same to his successor. He shall, each year, at least sixty days prior to the date fixed for the first meeting of the State Board of Equalization, make a **careful comparison** of said certificate of the County Court, with the property of such corporations assessable by the State Board of Equalization, and make a tabulated, detail report of all errors, omissions or under valuations thereof to the Mayor; and keep a copy of said report in the files of his office. It shall be the duty of the City Engineer, City Counselor, and all other city officials, when requested by the Assessor to do so, to aid the Assessor in making such comparisons. If it appears by said report that the rights of the city have been substantially affected by any mistakes, omissions or undervaluations, it shall be the duty of the Mayor, City Assessor and City Counselor to appear before the State Board of Equalization and make a showing of such errors. Copies of all plats, papers and arguments filed by said officials with the State Board of Equalization shall be kept on file in the office of the City Assessor, and delivered to his successor. Copies of the annual proceedings of the State Board of Equalization shall also be kept in good order in the files of the City Assessor, and shall be delivered to his successor. It shall be the duty of the City Assessor to examine the findings of the State Board of Equalization, and, if he ascertains that the city has not been allowed its pro rata share of the total valuation, he shall report same to the Mayor, and it shall be the duty of the Mayor to cause such facts to be presented to the State Board of Equalization for correction.

SEC. 8. It shall be the duty of every person owning or having under his control any personal property subject to municipal taxation for any fiscal year, to deliver to the City Assessor, at his office, on or before the fifteenth day of February next preceding such fiscal year, a true and complete list thereof, with the actual cash value of such property. On and after the first day of January the Assessor shall attend in person or by deputy at his office, on every week day up to and including the fifteenth day of February following, from the hour of eight o'clock in the forenoon until six o'clock in the afternoon, for the purpose of receiving the lists of property and statements of merchants and others by this charter required to be delivered to him, and shall at all times keep on hand and furnish to persons lawfully requiring the same, all necessary blanks and forms for lists and statements required by this charter.

SEC. 9. The Assessor and his deputies shall be authorized to administer oaths and affirmations, and may examine on oath any person touching the personal property for which he is liable to be assessed, or the value thereof, or the amount of goods, wares and merchandise owned or kept by him as a merchant; and may, by a notice delivered to any person or left at his residence, office or place of business, require such person within five days to deliver to him at the Assessor's office any list or statement necessary for the purpose of making the assessment, and to verify the same by affidavit; and any person failing or refusing to verify such list, when thereto requested by the Assessor, or to be examined, or answer on oath, regarding his property and merchandise, when thereto requested by the Assessor, or to deliver and verify such list and statement when notified by the Assessor so to do, shall forfeit to the city the sum of one hundred dollars, to be recovered in an action therefor in the name of the city, to be instituted under the direction of the Comptroller before the Municipal Court or any court of competent jurisdiction, and the Assessor shall assess such person according to the best information he can get.

SEC. 10. The property of all corporations and companies within the city, except incorporated banks and such other corporations as are excepted by State law, shall be assessed and taxed as the property of individuals is assessed and taxed. All shares of stock in foreign corporations, or in corporations whose property is liable to municipal taxation, but the assessment of which is not otherwise provided for, shall be assessed to the holder of such shares. The stock of incorporated banks and other corporations taxable in the same manner as incorporated banks, whether organized under the laws of this State or of the United States, shall be assessed and taxed in the following manner: The president or other chief officer of any such bank or other corporation shall each year, within the time prescribed by law for listing personal property, under oath, deliver to the Assessor a list of all shares of stock held therein, and the names of the persons holding the same on the first day of January of each year, together with a list of all real estate belonging to such corporation and lying within the limits of the city (which said real estate shall be omitted by the Assessor from his assessment of taxable real estate), and shall also state the actual cash value of such stock; and such stock shall be taxed at its actual cash value to the owners thereof as other personal property is taxed, in one list by itself on the personal property tax book of the Assessor, in a column headed by the name of the corporation whose stock is thus assessed and taxed. The taxes assessed on shares of stock embraced in such list shall be paid by the corpor-

ations respectively as agents or shareholders, and shall be a lien upon such shares from the first day of January before the fiscal year for which the same are assessed, and these corporations may respectively recover from the owners of such shares the amount so paid, or deduct the same from the dividends accruing on such shares; and the amount so paid shall be a lien on such shares respectively from the date aforesaid, and shall be paid before a transfer thereof shall be made. If any president or other chief officer of any such corporation fail to comply with the provisions of this section, he shall forfeit to the city the sum of one thousand dollars, to be recovered by the city as plaintiff in any court of competent jurisdiction, and the Assessor shall proceed to assess the stock of such corporation as nearly correct as he may be able to do.

SEC. 11. The Assessor shall return on his assessment book of real property, in tabular form, each parcel of real estate subject to taxation, with the description and value thereof, in numerical order as to the lots and blocks or sections, or subdivisions thereof, and in a separate column the value attached by the Assessor to each parcel or description; but shall not be required to give the name of the owner of any land except as hereinafter specified. When any property is not laid off in lots or blocks, the Assessor shall describe the same by any pertinent description, and for the purpose of such description he may require the owner thereof to furnish such description. It shall be the duty of all owners of property not so laid off in lots or blocks to furnish to the Assessor a sufficient description thereof, and in case of the failure of any such owner to furnish such description at least fifteen days before the time fixed for the return of the assessment, the Assessor may require the City Engineer to make and return to him a survey of such property, and the expenses of such survey shall be returned by the Assessor, together with his assessment of the property, and shall be added to the tax to be levied upon the property and collected as a part thereof. The owner of any undivided interest in any parcel of land may furnish to the Assessor at any time before his assessment is returned a description of such parcel, with the amount of his interest therein, and the Assessor shall then assess such undivided interest with the name of the owner thereof as a separate parcel; but unless such description and statement are so furnished, the Assessor shall not be required to make such separate assessment. The Assessor shall number each parcel of land assessed in the order of the same upon the assessment book. If the Assessor shall discover that any real or personal property subject to taxation for any previous year was not assessed, or for any cause has escaped taxation for such year, it shall be the duty of the

Assessor, in addition to the assessment for the then ensuing year, to assess such property for the year or years in which the same was untaxed.

SEC. 12. Upon the completion of his assessment, the Assessor shall endorse upon each of his assessment books his certificate that he has made diligent efforts to ascertain all taxable property of the class or kind assessed in such book, for the fiscal year, being or situate in the city, and that so far as he has been able to ascertain, the same is correctly set forth in the book, which certificate shall be verified by his affidavit, and then return the assessment to the Common Council by delivering the same to the City Clerk at his office.

SEC. 13. The Mayor, the Comptroller, the Assessor, the President of the Upper House and the Speaker of the Lower House of the Common Council shall constitute a Board of Appeals for the hearing of appeals and complaints of any party aggrieved by the assessment as made by the Assessor. Said board shall hold two sessions in each year, and a majority of the members shall constitute a quorum for the transaction of business. The first session shall be held for six consecutive days, beginning on the third Monday of March in each year, and the second session shall be held for six successive days, beginning on the first Monday in April of each year.

SEC. 14. The City Clerk shall cause to be published, in at least one newspaper published in said city, and for at least five days before the day fixed by law for the first sitting of the Board of Appeals, a notice to all taxpayers of the city that the Board of Appeals will hold its annual session on the days prescribed by law, and stating the dates and the place where such board will hold its sessions, and that in the meantime the assessment for the ensuing fiscal year will be open to the inspection of the public, at the office of the City Clerk.

SEC. 15. The City Clerk shall deliver the assessment to the Board of Appeals on the first day of the first session of said board, and shall act as clerk of said board. Any person aggrieved by any error in the assessment may make his complaint or appeal orally or in writing on account of such error. If the board shall find any error in the assessment, they shall order the same to be changed and corrected, and for the purpose of making the same fair and just may increase or diminish the valuation of any property so as to make the same correspond with the valuation of other property of like character, and may permit the Assessor

to add to his assessment taxable property omitted from the original assessment; but the said board shall have no power to change the rate or standard of valuation adopted by the Assessor. Whenever the Board of Appeals, during the first session, shall raise the assessment of any person or add any omitted property, notice shall be given by publication, for three successive days next following the adjournment of the first session of said board, in the paper doing the city printing, of the names of all such persons and the facts of such raise or addition, and said board shall at the second session hear and act upon complaints against such corrections. Any person aggrieved by any such error in the assessment, addition of other property, or raised assessment, may make his complaint or appeal orally or in writing. The board shall hear and determine summarily all appeals and complaints herein provided, and may examine the person appealing, and any other person, on oath, touching the matter complained of, and may compel the attendance of witnesses and the production of books and papers. The Assessor shall constantly attend upon the sessions of the board, and make such corrections on the assessment as may be ordered by the board. Such corrections on the assessment shall not be made by any erasure or any interlineation, but by a separate memorandum thereof in brief form, to be entered on the assessment by the Assessor.

SEC. 16. At the first meeting of the Common Council for each fiscal year, the City Clerk shall present to the lower house of the Common Council the assessment and an abstract of the gross amount of the valuation of real estate, personal property, goods, wares and merchandise of merchants, and shares of stock of corporations required to be assessed, and the Common Council shall thereupon proceed by ordinance to levy and cause to be collected the taxes for the fiscal year according to law for the general revenue, and for such an amount as may be certified to them by the Comptroller to be raised by taxation for the payment of bonds and coupons maturing during the fiscal year.

SEC. 17. On the day next after the passage and approval of an ordinance levying the taxes of any fiscal year, the City Clerk shall deliver to the City Auditor the assessment for such year, and also a certified copy of such ordinance levying the taxes for that year. The Auditor shall forthwith proceed to extend the taxes for the year upon the assessment books, in appropriate columns therein to be left for that purpose, and shall also enter opposite each parcel of real estate in a column for that purpose any delinquent tax upon such parcel required by law to be so entered, and shall also extend upon said book, against any par-

cel returned by the Assessor as untaxed for any year or years, the amount of tax for such year or years for which the same was untaxed, according to the rate of taxation as prescribed by ordinance for such year. All taxes due and unpaid for any previous fiscal year shall be entered in proper columns headed "Delinquent Taxes," opposite the description of each lot or tract of land, stating in figures the gross amount of such taxes and the fiscal year for which levied. In extending the taxes upon personal property it shall only be necessary for the Auditor to extend the same upon the gross amount assessed against each person. After so extending such taxes and entering the delinquent taxes required to be entered, the Auditor shall foot up the gross amount of all taxes as shown by the books upon real estate, the amount of all taxes upon personal property, taxes upon shares of stock of corporations, and merchants' license taxes, for the fiscal year; and also the gross amount of said several kinds of taxes as shown by the books, and also of all taxes for previous years for which property was untaxed, and finally shall foot up the gross amounts of all taxes of whatever nature for the fiscal year and prior years, and delinquent taxes, and shall enter such footings in said books in their appropriate places, and shall also make an abstract inereof at the end of the personal tax book. He shall then append to said books his certificate to the effect that the taxes therein contained are truly and correctly extended and entered according to the assessment of the property, the ordinance levying the taxes for the fiscal year, and all laws and ordinances regulating such entries. The book containing the assessment upon real estate when so extended and certified shall be entitled and called "Land Book of.....," and the book containing the assessment of taxes upon personal property, merchants' license, and incorporated companies, shall be entitled and called "Personal Tax Book of....." The Auditor shall also make out license for each merchant taxed as such for the fiscal year, in such form as may be prescribed by ordinance. The Auditor shall, on or before the first day of June in each year, deliver the tax books and merchants' licenses for each year to the City Treasurer, taking therefor his receipt in duplicate, which receipt shall state the gross amount of all such taxes contained in said book, and also the amount of each separate class of taxes, as shown by the footings of the Auditor of the same, one of which receipts the Auditor shall keep in his office, and the other he shall deliver to the Comptroller.

SEC. 18. The tax to be levied upon the merchants shall be levied at the same time and at the same rate as that levied upon real estate for the same fiscal year, and shall be collected by way of a license tax, and shall be assessed, levied and collected in the

manner now or hereafter to be prescribed by ordinance not inconsistent with this charter, and the Common Council shall have power to pass such other ordinances for the assessing, levying and collecting and enforcing the payment of such license tax, not inconsistent with this charter, as they may deem necessary.

SEC. 19. No demand of taxes shall be necessary, but it is the duty of every person subject to taxation to attend at the office of the City Treasurer, unless otherwise provided by ordinance, at some time between the first day of June and the first day of October in each year, and pay his taxes; and if anyone neglects to pay them before the first day of October following the levy of the tax, the same shall be delinquent and shall thereafter bear a penalty of one per cent per month; and in computing said additional tax or penalty, a fractional part of a month shall be counted as a whole month. Taxes upon real property are hereby declared a perpetual lien thereon against all persons. The Treasurer shall continue to receive taxes after they have become delinquent and until sale.

SEC. 20. Any person may pay the taxes for any fiscal year upon part of any lot or tract of land, or upon any undivided interest therein, but not for part of a fiscal year. Before the City Treasurer shall receive the taxes on a fractional or undivided interest in a tract, the person so offering to pay shall obtain from the Assessor a certificate of the apportionment of the assessment between the fractional undivided interests. The City Treasurer shall briefly note the apportionment on the tax book and apportion the total tax in like manner and shall file the certificate in his office.

SEC. 21. Any person paying taxes for any fiscal year in the year for which such taxes are levied shall be entitled to receive, and it is hereby made the duty of the City Treasurer to allow such person a rebate on such taxes so paid, as follows: On all taxes paid in the month of June, a rebate of six (6) per cent; and on all such taxes paid in the month of July a rebate of four (4) per cent; and on all such taxes paid in the month of August a rebate of two (2) per cent; but no rebate shall be allowed on any such taxes paid after the month of August. The City Treasurer shall not allow any person under any circumstances whatever the benefit of the rebate allowed for payment in any month after the last day of said month.

SEC. 22. When any person shall pay any tax on real estate or personal property, it shall be the duty of the City Treasurer

to sign duplicate receipts therefor, giving separate receipts for real estate taxes and personal property taxes. It shall be sufficient for the personal property receipt and the duplicate real estate receipts to state the name of the person for whom paid, date of payment, the total amount of the assessment, the total amount of the tax, amount of rebate, amount of penalty or interest and costs, if any, and the year paid for. The duplicate real estate receipt shall also state the tract number of all tracts of land included in this receipt. The original real estate or land tax receipt shall in addition set forth the assessed valuation and tax on each tract or parcel of real property paid for, and shall also show, under the heading of "Delinquent Taxes Unpaid," all taxes against the tract of land described therein remaining due and unpaid, as shown by the land tax book in the City Treasurer's office, giving simply the amount thereof and what year. If there are no taxes delinquent that fact should be noted by the Treasurer on said original receipt. The City Treasurer shall also note on the original land tax receipt whether or not there are unpaid special and park taxes on record in his office against the property described in said receipt. The City Treasurer shall immediately deliver all such receipts to the City Auditor, whose duty it shall be to countersign and deliver the original receipt to the payor and retain the duplicate, from which he shall from day to day make a permanent record and account, showing all the facts required to be stated in such duplicate receipt as aforesaid, so that such record shall show the amount collected by the City Treasurer each day, and the penalty or interest and costs, if any, on the same. The City Treasurer, upon receiving any tax, before delivering the receipt to the payor, shall mark the same paid and the date of payment in the proper tax book. If the City Treasurer shall hold over any tax receipt from one month to another or date back any tax receipt into the previous month or do any other act for the purpose of permitting any person to obtain any rebate or evade the payment of any penalty or interest or costs herein provided, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than One Hundred Dollars nor more than Five Hundred Dollars. If the City Treasurer or City Auditor shall fail or neglect to perform any of his duties as prescribed in this section, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than One Hundred Dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 23. If any one against whom a personal tax is assessed and which is due and unpaid, whether the same be delinquent or not, shall have removed out of the city or shall be about

to remove out of the city, or shall have removed or be about to remove his personal property out of the city, it shall be the duty of the City Treasurer to at once proceed to collect such personal tax by distress and sale of any personal property of such person that shall be found in Kansas City, and the personal tax book shall alone be sufficient warrant for such distress. The City Treasurer may, in his discretion, in any other case exercise the same power. When the City Treasurer distrains goods he shall keep them at the expense of the owner, and shall give notice of the time and place of the sale of the same within five days after the taking, in the manner constables are required to give notice of the sale of personal property taken under execution, and the time of sale shall not be more than twenty days from the day of taking. He shall enter upon the personal tax book a brief description of the property taken and the amount for which the same was sold. The City Treasurer shall on demand render an account in writing of the sale and charges to the owner, and pay any surplus in his hands to such owner.

SEC. 24. If any tax, interest or costs shall remain unpaid on the first day of October on any share or shares of stock of any corporation, the shares of which are taxable under this charter or any ordinance of Kansas City, it shall be the duty of the City Treasurer to sell such share or shares to the highest bidder at public vendue, at his office in said city, at the same time and place and under the same notice as real estate is required to be sold, describing in such notice the share or shares to be sold, substantially the same as they are described in the personal tax book, with the name of the person or persons in whose name or names such share or shares are assessed. It shall be the duty of such Treasurer to give the purchaser of any such share or shares a certificate stating the fact that the person therein named purchased the share or shares therein described, describing them substantially in such certificate as they are described in the personal tax book. Any person or persons purchasing any share or shares of stock in any such corporation at such sale shall be entitled to have such share or shares so purchased entered upon the books of such corporation as the share or shares of such purchaser, and he shall be deemed in law and equity as the absolute owner of such share or shares. Nothing in this section shall be so construed as to prevent an action in the name of the city, before any court of competent jurisdiction, against such corporation, or any of the stockholders, to recover any tax, interest and costs remaining unpaid on any share or shares of stock of such corporation, on or after October first.

SEC. 25. It shall be the duty of the City Treasurer. on the

first Monday in December in each year, to deliver to the Comptroller a complete itemized statement of all taxes on personal property remaining unpaid for that fiscal year, which statement may be in alphabetical or other convenient order, and verified by the following affidavit: "I....., City Treasurer of Kansas City, do solemnly swear (or affirm) that the foregoing is a true and correct statement of all delinquent taxes on personal property remaining due and unpaid for the fiscal year....." The personal tax books shall be returned to the Comptroller with such statement, and if found to be correct the Comptroller shall give the Treasurer credit for the total amount delinquent. On the first Monday in January each year the Comptroller shall turn over the personal tax books to the City Counselor and instruct the City Counselor to cause the said tax to be collected by an action or attachment thereon, or other process of law, in the name of Kansas City, in any court of competent jurisdiction. The City Counselor may appoint an assistant to collect such tax, who shall receive ten per cent of all sums collected on such delinquent personal taxes, which shall be taxed up as costs in the case and collected as other costs, except that in no event shall the city be liable for the same.

SEC. 26. The City Treasurer is hereby authorized and directed to collect the delinquent taxes by the sale of the real property upon which the taxes are levied. Such sale shall be begun and publicly held at the office of the City Treasurer in Kansas City on the first Monday in November in each year, beginning at the hour of ten o'clock in the forenoon and continuing until five o'clock in the afternoon, and continuing on each successive secular day, between the same hours, as long as there are bidders or until all of the tracts have been offered for sale.

SEC. 27. Notice shall be given for the sale of real property for delinquent taxes, which shall state the time and place thereof, and contain a description, substantially the same as in the land tax book, of the several parcels of real property to be sold, and all delinquent taxes thereon, and such real property as has not been advertised and sold for the taxes of any previous year or years, and on which taxes remain due and delinquent, and the amount of the taxes, penalty and costs, against each parcel of real property. The City Treasurer shall cause such notice to be published once in the daily edition of some newspaper of general circulation published in Kansas City, at least ten days before the day of sale. The newspaper to which the contract for making such publication as may be awarded shall, for the period of ten days immediately following such publication, and without

extra charge, cause a notice to be inserted in large type, at the head of one of the columns upon its local page, stating the day and date upon which said publication was made; and said newspaper shall likewise, without extra charge, furnish to the City Treasurer one thousand copies of the edition containing such original notice of sale of real property for delinquent taxes. The City Treasurer shall charge and collect, in addition to the taxes and penalty on each tract of real property advertised for sale, a sum representing the proportional cost of publishing such notice of the sale of said tract. The City Treasurer shall obtain a copy of said advertisement, together with a certificate of the due publication thereof, from the printer, publisher or business manager of the newspaper in which the same shall have been published, and shall file the same in the office of the City Auditor, and such certificate shall be substantially in the form that may be prescribed by ordinance of Kansas City or by the Comptroller.

SEC. 28. At such sale the City Treasurer shall offer separately for sale each tract or parcel of real property advertised for sale on which the taxes, penalty and costs have not been paid, and no bid shall be accepted for less than the total amount of taxes, penalties and costs then remaining due and unpaid on said property. The person who offers to pay the amount of the taxes, penalty and costs due on any tract or parcel of real property for the lowest rate of interest thereon per annum shall be the purchaser of such tract or lot; *provided*, that no bid shall be accepted for a rate of interest exceeding twelve per cent per annum. The person purchasing any tract or parcel of real property, or part thereof, shall forthwith pay to the City Treasurer the amount of taxes, penalty and costs charged thereon, and on a failure to do so, the said tract or parcel of real property shall at once be again offered as if no sale had been made.

SEC. 29. The City Auditor shall attend all sales of real property for taxes, made by the City Treasurer, and make a record thereof in a book to be kept by him for that purpose and designated "Book of Sales," therein describing the several tracts or parcels of real property on which the taxes, penalty and costs were paid by the purchaser, as they are described in the advertisement on file in his office, and substantially the same as they are described in the land tax book, stating in separate columns the amount, as obtained from the land tax book, of each kind of tax, penalty and costs for each tract or parcel of real property, to whom sold, and date of sale and the amount of interest specified in the bid by the purchaser. The City Treasurer shall also note in the land tax book, opposite the tract or parcel of real

property sold, the fact and date of such sale, and to whom sold, and the amount of interest specified in the bid by the purchaser at the tax sale.

SEC. 30. When all of the tracts upon which there are delinquent taxes have been offered for sale, the City Treasurer may, in his discretion or at the request of any person, re-offer any tract or tracts that have been passed for want of bidders. If any tract or parcel of real property cannot be sold for the amount of taxes, penalty and costs thereon, the City Auditor shall bid it off for the city for such amount; *provided*, that all sales made to the city and certificates issued thereon shall draw interest at the rate of twelve per cent per annum. Whenever any person shall pay the City Treasurer a sum of money equal to the amount of all taxes, penalty, interest and costs, including cost of any suit that may be commenced thereon, on such parcel or parcels of real property at the time of such payment, the City Treasurer shall give to such person a certificate dated the day when it was issued, describing the real property bid off for the city as the same is described in the land tax book, stating the amount of each kind of tax, penalty and costs for which it was bid off to the city; also the cost of any proceedings thereon, if any; the amount paid to the City Treasurer by such person for such real property, the time when the owner of such certificate shall be entitled to a deed, and shall number said certificate to correspond with the number of the parcel of real property in the land tax book, which certificate, before it shall be of any validity, shall be assigned to such person by the City Auditor, who shall note the same on his book of sales, and said certificate so assigned by the City Auditor shall vest all the interest of the city in and to such real property in such person, and such certificate shall be assignable to the same extent and in like manner as certificates given to purchasers at tax sales, and shall entitle such person to the same rights and privileges thereunder as if he had purchased the same at the tax sale.

SEC. 31. If the City Treasurer or his deputy shall sell or assist in selling any real property on which the taxes for which the same is sold have been paid, or shall execute and deliver a deed for real property which has been redeemed in accordance with the provisions of this charter or any ordinance of Kansas City, or for real property for which the amount required has been duly tendered him before the execution and delivery of the deed for same, the City Treasurer through whose negligence in the discharge of his official duties such injured party is damaged, and his bondsmen, shall be liable to such injured party to the amount of any judgment that may be rendered against

him under the provisions of this charter, in any action by or against such injured party, involving or in any manner calling in question the sale of such real property for taxes, or the title thereby conveyed or purporting to be conveyed to the purchaser at such tax sale, his heirs or assigns, in any court in this State, and for any and all amounts such injured party may be compelled to pay to redeem such real property so sold, together with the interest at the rate of one per cent a month on the amount such injured party pays on such judgment or to redeem such real property so sold from the time of such payment, and such injured party shall be entitled to recover reasonable attorneys' fees for prosecuting any action against such treasurer and his bondsmen, in case where such injured party recovers judgment.

SEC. 32. The City Treasurer shall make out, sign and deliver to the purchaser of any real property sold for the payment of taxes as herein provided a certificate of purchase, in substantially the following form:

"CITY TREASURER'S CERTIFICATE OF TAX SALE.

"I,, Treasurer of Kansas City, County of Jackson, State of Missouri, do hereby certify that the following described real property, viz.:, situate in Kansas City, Missouri, was on the day of, A.D., duly sold by me at public sale, at my office in Kansas City, Missouri, in the manner provided by law, for the delinquent city taxes thereon for the years (or year) A.D., amounting to the sum of Dollars, including penalty and costs thereon, to for said sum of Dollars, he having publicly bid in said real property for per cent per annum, which was the lowest rate of interest obtainable.

"And I further certify that unless said real property above described is redeemed from said sale in manner provided in Article V of the City Charter of Kansas City, Missouri, the said or assigns will be entitled to a deed therefor on and after the day of, A.D., on surrender of this certificate.

"IN WITNESS WHEREOF, I have hereunto set my hand this day of, A.D.

".....
 "City Treasurer."

Such certificate of purchase shall be assignable, and an assignment thereof shall vest in the assignee all the right, title and interest of the original purchaser.

Every certificate of purchase shall be acknowledged and recorded in the same manner that deeds of real property are required to be acknowledged and recorded by the laws of this State, and any such certificate not recorded within six months shall be void.

SEC. 33. The purchaser of any real property sold for taxes may pay subsequent taxes thereon, including penalties and costs, if any, and shall receive from the City Treasurer, or other officer to whom the same is paid, duplicate receipts therefor. In like manner he may pay any state or county tax, whether levied before or after the date of his certificate of purchase, together with any interest, penalties or costs thereon, and receive from the officer to whom the same is paid duplicate receipts therefor. In like manner such purchaser may pay any special tax or assessment, tax bill, park tax, grading, condemnation or other special benefit levied against such tract by authority of this charter, including interest, penalties and costs, if any.

It shall be the duty of the auditor, upon the presentation to him of such duplicate receipts, or of any receipt or voucher showing the payment of any special tax or assessment, tax bill, park tax, grading, condemnation or other special benefit, to file the same in his office and enter a memorandum thereof upon the book of sales. He shall also endorse upon the certificate of purchase the amount of such city, state or county tax, special tax or assessment, tax bill, park tax, grading, condemnation or other special benefit, including interest, penalties and costs, if any. No state or county tax, special tax or assessment, tax bill, park tax, grading, condemnation, or other special benefit, shall be so paid or entered up unless the same be delinquent or be in default.

SEC. 34. Real property sold under the provisions of this article, including any real property bid off by the City, or any interest in such real property, may be redeemed by the owner, or his agent or attorney, at any time within five years from the first day on which the annual tax sale began, or at any time before the execution and delivery of the tax deed to the purchaser at the tax sale, his heirs or assigns, by the payment to the City Treasurer of the amount for which such real property was sold, together with interest thereon at the rate per cent bid per annum from the date of purchase, together with all other taxes, assessments or benefits subsequently paid by the purchaser, his heirs, or assigns, as authorized by this charter, whether state, county, park, municipal, general or special, together with interest thereon at the same rate from date of payment; *provided*, however, that if redemption be made within

six months after the date of sale, the person redeeming shall be required to pay interest on said amounts for the full period of six months from the date of sale.

SEC. 35. The City Auditor shall, upon application of any person wishing to redeem any real property sold for taxes under the provisions of this article or any ordinance of Kansas City, give to such person a statement setting forth the amount required to redeem each tract or parcel of real property described in such statement. Upon filing such statement with the City Treasurer and paying to such Treasurer the amount therein named, it shall be the duty of the City Treasurer to give such person duplicate certificates of redemption therefor, one of which shall be countersigned by and the other filed with the City Auditor, whose duty it shall be to make an entry opposite the tract or parcel of real property redeemed, on the proper book of sales in his office, showing the amount paid to redeem the same, the time when, and by whom such redemption was made, and he shall charge the City Treasurer with such amount. The City Treasurer shall make like entries in the land tax book in his office. No certificate of redemption shall be valid or received in evidence without being countersigned by the City Auditor as aforesaid.

SEC. 36. All moneys received by the City Treasurer for the redemption of real property shall at once be paid into the city treasury to be paid out to the purchaser of such real property, his heirs or assigns, on the delivery of the certificate of purchase to the City Auditor, who shall file the same in his office and draw a warrant upon the City Treasurer in favor of the party entitled to such redemption money for the amount thereof. If no person entitled to such redemption money shall, within two years after the same is paid to the City Treasurer, appear and claim the same, all such moneys not so claimed shall be forfeited to the City and placed to the credit of the general fund.

SEC. 37. The City Treasurer, at least four months before the expiration of the time limited for redeeming real property, as provided for in this article, shall cause to be published in the newspaper doing the city printing at the time, for at least twenty consecutive days, Sundays excepted, a list of all unredeemed real property, describing each tract or lot substantially the same as it was described in the land tax book, stating the amount of taxes, penalty, charges, interest and costs, calculated to the last day of redemption, due on each tract or lot, together

with a notice that unless such property be redeemed on or before the day limited therefor, such real property will be conveyed to the purchaser, his heirs or assigns. The cost of such advertisement shall be charged to the party redeeming, or, if not redeemed, shall be charged to the person receiving the deed.

SEC. 38. The City Treasurer shall obtain a copy of the advertisement required in the last section, together with the certificate of the due publication thereof, from the printer, publisher or manager of the newspaper in which the same shall have been published, and shall file the same in the office of the City Auditor; and such certificate shall be substantially in the form to be prescribed by ordinance of Kansas City; *provided*, that no informality or defect in such advertisement, or any failure to make such advertisement or certificate, shall in any manner invalidate the sale made for taxes, or the deed made for any real property sold for taxes.

SEC. 39. If any real property sold for taxes under the provisions of this Article shall not be redeemed within five years from the day on which the annual tax sale began at which it was sold, it shall be the duty of the City Treasurer, on presentation to him of the certificate of purchase, to execute in the name of Kansas City, under his hand and the seal of Kansas City, to the purchaser, his heirs or assigns, a deed of the real property described in such certificate of purchase, remaining unredeemed, as shown by the records of his office, and shall acknowledge such deed and deliver the same to the grantee, which deed shall vest in the grantee an absolute estate in fee simple in the real property described therein, and shall convey all the right, title and estate of the former owner or owners, free from any and all incumbrances of whatsoever kind or nature, subject, however, to all unpaid state, county and city taxes, general and special taxes or assessments which are a lien thereon. The deed executed under this Article shall be called a tax deed, and shall be acknowledged and recorded in the same manner that other deeds and conveyances of real property are required to be acknowledged and recorded by the laws of the State; *provided*, that unless such tax deed shall be filed for record in the office of the Recorder of Deeds at Kansas City within twenty days after delivery of the same to the purchaser, his heirs or assigns, it shall be void. The City Treasurer shall collect from the grantee in such deed a fee of one dollar, which fee shall include the cost of acknowledgement of the same. Any number of parcels or lots of real property bought by the same person may be included in one deed, if so required by the purchaser; *pro-*

vided, however, that the City Treasurer shall collect an additional fee of ten cents for each parcel of real property included in such tax deed exceeding one in number. All fees collected by the City Treasurer under this section, less costs of acknowledgment, shall be paid by him into the city treasury to the credit of the general fund.

SEC. 40. Tax deeds executed by the City Treasurer shall be substantially in the following form:

"KNOW ALL MEN BY THESE PRESENTS, That, whereas the following described real property, viz.:, situated in Kansas City, in the County of Jackson and State of Missouri, was subject to taxation for the year (or years) A.D.; and whereas, the taxes assessed upon said real property for the year (or years) aforesaid remained due and unpaid at the date of the sale hereinafter mentioned; and whereas, the City Treasurer of said Kansas City did, on the day of, A.D., by virtue of authority in him vested by law, at the sale begun and publicly held on the first Monday of, A.D., the first day on which the annual tax sale began, expose to public sale at the office of the City Treasurer in Kansas City aforesaid, between the hours of ten o'clock in the forenoon and five o'clock in the afternoon, in conformity with all requirements of the law in such case made and provided, the real property above described, for the payment of taxes, penalty and costs then due and unpaid upon said real property; and whereas, at the place aforesaid, A., B., of the County of and State of, having offered to pay the sum of Dollars and Cents, being the whole amount of taxes, penalty and costs then due and remaining unpaid on said real property for (here insert a description of the property sold, describing each tract or parcel separately), and payment of said sum having been by him made to said City Treasurer, the said property was stricken off to him at that price; and whereas, the said A. B. did, on the day of, A.D., duly assign the certificate of purchase of the property as aforesaid, and all his rights, title and interest to said real property, to E. F., of the County of and State of; and whereas, five years have elapsed since the first day on which the annual tax sale began and the said property has not been redeemed therefrom as provided by law; and whereas, the City Treasurer of Kansas City aforesaid did, at least four months before the expiration of the time limited for redeeming said real property, publish a notice as re-

quired by law in such case made and provided, that unless said real property was redeemed on or before the day limited therefor, it would be conveyed to the purchaser or his heirs or assigns;

“NOW, THEREFORE, I,, City Treasurer of Kansas City, County and State aforesaid, for and in consideration ofDollars andCents, taxes, penalty and costs due on said real property for the year (or years), to the City Treasurer of said Kansas City paid as aforesaid, and by virtue of law in such case made and provided, have granted, bargained and sold, and by these presents do grant, bargain and sell unto the said A..... B..... (or E..... F.....), his heirs and assigns, the real property last hereinbefore described, to have and to hold unto him, the said A..... B..... (or E..... F.....). his heirs and assigns, forever, subject, however, to all rights of redemption provided by law.”

“IN WITNESS WHEREOF, I,, City Treasurer of Kansas City, as aforesaid, have hereunto subscribed my name and affixed the corporate seal of Kansas City, this day of, A.D.

“(SEAL)

“.....
City Treasurer of Kansas City.”

Said deed shall be signed by the City Treasurer in his official capacity, with the seal of the City affixed, and acknowledged by him before some officer authorized to take acknowledgment of deeds, and when substantially thus executed and recorded shall be *prima facie* evidence in all courts of the State, in all controversies and suits in relation to the rights of the grantee in said deed, his heirs or assigns, to the real property thereby conveyed or purporting to be conveyed, that the taxes were not paid at any time before the sale; that the real property conveyed was subject to taxation for the year or years stated in the deed; that the real property conveyed had not been redeemed from the sale at the date of the deed; that tender of redemption money had not been made to the City Treasurer before the execution and delivery of the deed; that the real property conveyed had been duly assessed for the year or years named in the deed; that the taxes were levied according to law; that the real property conveyed was duly advertised for sale; that the real property was duly sold for taxes as stated in the deed; that the manner in which the assessment, levy, notice and sale were conducted was, in all respects, regular and as the law directed; that the grantee named in the deed was the purchaser, or that the certificate of purchase had been duly assigned to the grantee;

that all the prerequisites of the law and ordinances of Kansas City were complied with by all the officers who had or whose duty it was to have had any part or action in any transaction relating to or affecting the title conveyed or purporting to be conveyed, from the assessment of the real property up to the execution of the deed, both inclusive; and that all things whatsoever required by law to make a good and valid sale and to vest the title in the purchaser, were done.

SEC. 41. In any suit or proceeding involving or in any manner calling in question the title or right of the grantee in a tax deed, or those claiming under lien of, to or in the real property conveyed or purporting to be conveyed by such tax deed, executed substantially as provided in the preceding section, the person claiming title adverse to the title conveyed or purporting to be conveyed by such tax deed shall be required to prove, in order to defeat said tax deed, either that the taxes, interest and costs were paid before the sale; that the real property therein described was not subject to taxation for the year or years stated in the deed; that the real property therein described had been redeemed from the sale at the date of the deed or the tender of the redemption money had been made to the City Treasurer before the execution and delivery of the deed, in accordance with the provisions of this Article; and that such redemption was had or attempted to be had for the use and benefit of the person having the right of redemption under this Article; and if any person claiming title under a tax deed, executed substantially as provided for in the preceding section, shall be defeated in any suit or proceeding by or against him for the recovery of the real property conveyed or purporting to be conveyed by such tax deed, the successful claimant shall be adjudged to pay such person claiming under such tax deed the full amount of all money paid by the purchaser at the tax sale of such real property, together with interest at the rate per cent per annum bid by the purchaser at the tax sale; and also the amount of all taxes, assessments and benefits, state, county, park, municipal, general or special, paid by the purchaser, his heirs or assigns, after the date of the certificate of purchase, and entered on the book of sales, with the same rate of interest per annum, together with the costs of tax deed and fees for recording the same, also the total cost of all improvements made thereon, and all costs in the case, which judgment shall be a lien upon the real property in controversy and shall bear interest at the same rate per annum, and may be enforced by execution as in other cases of judgments and decrees of such court against the land in controversy.

SEC. 42. Any person putting on record a tax deed, executed substantially as provided for in this Article, shall be deemed to have set up such a title to the real property described in such deed as will enable the party claiming to own such real property to maintain an action for the recovery of the possession thereof against any person claiming under the tax deed, whether such person is in actual possession of the land or not; and such tax deed shall be received in evidence without further evidence to sustain such conveyance or the title thereby acquired.

SEC. 43. Any suit or proceeding by or against the purchaser at a tax sale, his heirs or assigns, for the recovery of the real property, or any interest therein, sold for taxes, or any suit or proceeding to defeat or avoid a sale or conveyance of real property sold for taxes under the provisions of this Article, shall be commenced within three years from the time of recording the tax deed, and not thereafter.

SEC. 44. Any person entitled to redeem real property sold for taxes under the provisions of this Article, after the execution and delivery of the deed for the same, shall redeem the same by an equitable action, in which all persons claiming an interest in the land desired to be redeemed from the tax sale as shown by the records shall be made defendants, and the court shall determine the rights, claims and interests of the several parties, including all liens for taxes and special assessments, interest and costs as provided in this Article, and claims for improvements made on the real property by any person or persons claiming under the tax title; *provided*, that any person seeking to redeem shall, before he shall be permitted to commence or prosecute his action, deposit with the Clerk of the Court in which the action or proceeding is commenced an amount sufficient to pay the party claiming under the tax deed the amount paid at the tax sale for the real property in controversy, also the amount or amounts of all taxes, state, county or municipal, general or special, paid by the purchaser at the tax sale, or those claiming under or through him, after the date of the certificate of purchase, with penalty added as provided in this Article, and interest on all said amounts at the rate of twelve per cent per annum from the date or dates of such payments.

SEC. 45. Unless the holders or owners of certificates of purchase for real estate purchased at any tax sale under this Article take out deed or deeds, as permitted or contemplated by this Article, within two years from and after the time for redemption expires, the said certificates or deeds and the sales

on which they are based shall, from and after the expiration of such two years, be absolutely null, and shall constitute no basis of title, and shall cease to be a cloud on the title to the real estate to which such certificates refer.

SEC. 46. No certificate of purchase or tax deed issued by authority of this charter shall be defeated or annulled by proof that part only of the taxes, assessments or benefits included in such certificate of purchase or tax deed are invalid or irregular, but such certificate of purchase or tax deed shall be binding and effective as to the valid taxes, assessments or benefits included therein, and no further; and in any redemption or proceeding permitted by this charter the amount of invalid taxes, assessments or benefits may be deducted from the amount necessary to redeem.

SEC. 47. The Comptroller may, at any time prior to the sale of any lot or tract of land for delinquent taxes, or suit brought for personal tax, abate any particular tax because the same has been paid, or for mistake in entering it against the wrong lot or tract, or in case of any personal tax against the wrong person, and correct any mistake in computing or extending any tax so entered. He shall in each case make a permanent record of his action in making such abatements and corrections, and shall at once certify the same to the proper custodian of the books, who shall at once note such action on the proper land tax book and other proper records of the city, in such a way as to show clearly what has been done, and when, but without erasing or altering the prior entries of taxes on the book or record.

SEC. 48. In addition to any and all remedies by sale or otherwise, provided in this charter, the city shall have the power to enforce the collection of delinquent taxes, with all interest, costs and penalties thereon, by suit brought in the name of Kansas City in any court of competent jurisdiction. In suits for the collection of taxes on personal property, and in suits to collect the taxes on the property of railroads and other public service corporations, it shall be sufficient to state the amount of tax, interest, costs and penalty claimed, the year or years for which it was levied, the owner or person liable, and that the tax has not been paid, and in such suits a personal judgment may be rendered against the person or corporation whose property has been taxed.

SEC. 49. In suits for the collection of taxes which are

a lien upon any specific property except as in the preceding section provided for, no personal judgment shall be rendered, but the judgment shall be that the amount found due shall be levied on the real estate or property upon which the tax is a lien, which judgment shall have priority over all other liens and incumbrances, as to all parties to such suit. Judgments for taxes shall bear the same rate of interest as did the tax sued on, and a sale under execution thereon shall be free from any redemption. The city may purchase such property at execution sale and take deed to itself and acquire the same title as any other purchaser.

SEC. 50. When the taxes for more than one year are due the city upon any parcel of property, they may all be included in one suit, and when taxes on more than one parcel of land owned by the same person or persons are due, all such parcels may be included in one suit. Owners of undivided interests may be sued jointly or severally, and each, together with his interests, charged with the proper portion of the tax, though such tax may have been assessed as a whole. When any parcel of land has been included in the assessment in a larger parcel or tract, such smaller parcel shall be charged with its fair and just proportion of the tax, which shall be determined by the court. The owners of the whole of the larger parcel may be made defendants, and each parcel charged with a proper share of the tax or the owners of any one or more of the smaller parcels may be sued separately. In all such cases, the several taxes and parcels of land may be set out in one cause of action, and judgment entered against each parcel for the tax, interest, costs and penalties found due thereon.

SEC. 51. The municipal court of Kansas City shall have jurisdiction in all cases for the collection of taxes due the city when the amount does not exceed the sum of three hundred dollars. Defendants shall be served with summons, and the judgment shall be as hereinbefore prescribed. In case of a judgment for delinquent taxes upon real property no execution shall be issued by the municipal court, but upon filing a transcript of such judgment in the office of the Clerk of the Circuit Court of Jackson County, at Kansas City, such Clerk shall record the same in the book kept for recording transcripts of judgment before Justices of the Peace, and shall also enter such judgment on the judgment docket of such court, and execution shall issue thereon in conformity with such transcript of judgment. In the case of judgments for personal taxes, execution may be issued by the municipal court and the same may be enforced in the same manner as judgments of Justices of the

Peace. In such suits all process and executions shall be directed to, served and returned by any police officer of Kansas City or any constable of Jackson County.

SEC. 52. The proceedings in such suits for the collection of taxes shall, in all respects not herein provided for, conform as near as may be to the practice and procedure in civil cases, including the sale under execution and making deed to purchaser.

SEC. 53. The tax book and all other books and papers made or kept by the Auditor, Treasurer, Assessor or other officer of the City, in any manner relating to any tax, shall be received in all courts as evidence of all the facts stated therein, and of the validity of the tax, costs, interest and penalty therein appearing, and a copy of so much of any of the aforesaid books and papers as relates to the tax in question, certified to by the Auditor or any other officer of said City having the same in charge, shall be received in evidence in like manner and with like effect.

SEC. 54. An attorney's fee of ten per centum on the amount of the judgment shall be taxed up as costs in every proceeding for the collection of delinquent taxes under this Article. Such amount of ten per centum shall be taxed and collected as other costs in the case; *provided*, that no such fee shall be paid until the judgment and other costs in the case are paid.

ARTICLE VI.

Condemning and Damaging Private Property.

SECTION 1. Whenever the city shall, by ordinance provide for establishing, constructing and maintaining for public use any viaduct or bridge or any approach thereof, or right-of-way therefor, or any tunnel, cut or subway and approaches, or right-of-way therefor or for establishing, opening, widening, extending or altering for public use any street, avenue, alley, levee, wharf, market place, public square, site or lands for hospital, fire department, building, public museum or gallery of art, police station, water department, workhouse, morgue, sewage or garbage reduction plant, route for sewer of any kind, water or gas mains or for altering the channel of any water-course, or for the right to use any stream or right-of-way for drainage purposes, or for the vacating of any street, or whenever any private property is taken or damaged for any other public purpose whatsoever, and not herein specifically enumerated, and it becomes necessary to take or damage any private property for such public use, just compensation shall be paid to the owner, or owners of such private property taken or damaged which shall be ascertained and assessed by a jury of six disinterested freeholders of the city by proceedings prescribed by ordinance, and as in this charter provided, or as otherwise provided by law.

Unless otherwise specified by ordinance, and except as elsewhere in this charter prescribed, such proceedings shall be conducted in the municipal court of the city which shall, while in the discharge of such duty, have and exercise the powers of the circuit court for the preservation of order and enforcing process issued in the course of the proceedings, and may summon and compel by attachment or otherwise, the attendance of witnesses and jurors, and fine and commit any person guilty of misdemeanor or contempt, and the judge of such court shall pass on the competency of evidence, and instruct the jury on questions of law arising. The Clerk of such court shall issue process and record orders made by said court.

SEC. 2 .When any ordinance shall provide for taking or damaging private property for any public use specified in the preceding section, the city shall by ordinance describe the private property to be taken or damaged, and, if the same is to be paid for wholly or in part by special assessments, shall prescribe the limits within which private property shall be deemed benefited

by the proposed improvement, and be assessed and charged to pay compensation therefor; and thereupon the City Engineer or one of his assistants shall make out and deliver to the Clerk of the Municipal Court a statement by plat, map or otherwise; containing a correct description of the several lots or parcels of private property to be taken or damaged, with the respective names of the owners and parties interested therein so far as known, who may be such at the time said ordinance takes effect. Said court shall thereupon, by order, appoint a day and place for empaneling a jury to ascertain the compensation for the property to be taken or damaged and to make assessments to pay for the same, which order shall recite the number and title of said ordinance with the date when it took effect, and contain a description of the property proposed to be taken or damaged as contained in said ordinance and also a description of the property contained in the benefit district as described in said ordinance, and naming the day and place fixed by said court for impaneling a jury to ascertain the compensation for the property to be taken or damaged and to make assessments to pay for the same, which order shall be directed to all persons whom it may concern, without naming them.

A copy of such order shall be published in a newspaper at the time doing the city printing, for four successive weeks, the last insertion to be not more than one week prior to the day set for said hearing. The parties owning or having an interest in the real estate proposed to be taken or damaged, shall be served with a copy of said order, either by delivering to each of such owners or parties interested at any time before the day fixed therein for the hearing, a copy of the order or by leaving such copy at their usual place of abode with some member of their respective families over the age of fifteen years, and in case of corporations, by delivering a copy to the president, secretary or some managing officer thereof, or to any agent of such corporation in charge of any office or place of business of such corporation in Jackson County, Missouri.

If service of such notice cannot be made on any or all of such parties as above described, within said city, the return on such notice shall so state, and thereupon an alias order specifying a different date may be made by said court, if deemed advisable, notifying such unserved parties of the facts as in case of the original notice above provided. Said cause may be continued or postponed from time to time. It shall not be required in any case to bring in any person other than the owners of the property or those interested therein who were such at the time of the taking effect of such ordinance; and the parties claiming or holding through or under such owners or parties interested

or any of them, shall be bound by the proceedings as fully as if they were brought in; but any person having an interest in the real estate to be affected by the proceedings may, upon application and entering their appearance, be made parties thereto; but no notice of said proceedings shall, in any case, be necessary to the validity thereof, except the publication of the order as herein provided. Notice so given by publication shall be sufficient to authorize the court to hear and determine the cause and to make any finding or order or render any judgment therein as fully as though all the parties interested at the time of the taking effect of such ordinance, or at any time thereafter, had been sued by their proper names and had been personally served.

Affidavit by the publisher, manager or any person connected with the newspaper in which such order was published, accompanied with a printed copy of the notice, shall be *prima facie* evidence of the publication of such order as herein required.

The service of any notice, process or order, required by this Article, may be made by a policeman of the city, or by any constable or officer authorized to serve judicial writs; and any return of service by a policeman, constable or other officer shall be evidence of the facts therein stated. After notice has been given as herein provided and upon the day fixed for impaneling a jury, or upon a day to which such hearing has been adjourned, the Municipal Court shall appoint and cause to be impaneled a jury composed of six men who shall be disinterested freeholders of the city, who shall receive such compensation as shall be provided by ordinance, which jury shall hear the evidence and view the property to be taken and damaged, or assessed with benefits.

The term "disinterested freeholder" as used in this charter shall not be so construed or defined as to exclude or disqualify any person interested in property by reason of the fact that he is a trustee in a deed of trust upon property taken or damaged or within the benefit district.

SEC. 3. The jury impaneled under the provisions of this Article shall ascertain the just compensation to be paid as follows:

FIRST: For each piece of private property taken when the public use thereof shall be such that the city must have the exclusive possession and control thereof, the actual value of the property taken.

SECOND: For each piece of private property taken where the public use thereof may be such that the city need only have such possession and control as will not wholly exclude the pos-

session and beneficial use thereof by the owner or owners, the actual damage from the public use specified in the ordinance.

THIRD: For all damages to each piece of private property not actually taken so as to give the city the possession or control of the same, the actual amount of the damages such property may sustain from the use of the private property taken for the public use for which it may be taken, including all that the city from time to time may do or cause to be done in, with, or upon the private property so taken.

To pay such compensation the jury shall assess against the city the amount of benefit to the city and public generally, inclusive of benefit to any property of the city, and the balance of such compensation they shall assess against the several lots and parcels of private property within the benefit district, exclusive of the improvements thereon, deemed benefited by the proposed improvement as determined according to the preceding section; each lot or parcel of ground to be assessed with an amount bearing the same ratio to such balance as the benefit to each lot or parcel bears to the whole benefit to all the private property assessed. Parties interested may submit evidence to the jury and the latter shall examine personally the property to be taken, damaged and assessed. The party owning any property taken may remove any improvements thereon, and the jury may consider this fact in determining their verdict. The verdict of the jury shall be signed by each juror and delivered to the Municipal Court and shall contain a correct description of each lot or parcel of private property to be taken and the value thereof, and of each lot or parcel of private property damaged and the amount of injury thereto, and also the amount assessed against the city, together with a correct description of each lot or parcel of private property assessed and the amount assessed against the same. The City Engineer and City Assessor or their assistants shall, when required, aid the jury to put their verdict in proper form, and the jury shall not be discharged until the Municipal Court is satisfied that the verdict is correct in form.

The Municipal Court may adjourn proceedings from time to time until the matter be completed. If any jury cannot agree the Municipal Court may discharge them and may order the impaneling of another jury to perform the duty devolving upon the jury by this Article, and no new notice to parties interested shall be necessary beyond such order, which order must be made on the day of discharging any jury and shall fix the time and place for impaneling a new jury, or nothing further shall be done under the ordinance and all the proceedings shall be void.

Said order shall be duly recorded by the Clerk of the Municipal Court.

If in any proceeding any juror becomes disabled, or, for any reason, unable to act as a juror in the case, the Court shall have power to fill the vacancy by selecting another juror, and the case shall be tried before the entire jury *de novo*, or the Court may discharge the jury and empanel a new jury as in this article provided.

SEC. 4. The Clerk of the Municipal Court shall, after the rendition of the verdict of the jury, report the same to the Common Council; and if the same be not confirmed by the Common Council within sixty days from the making of such report, the proceedings and verdict shall be void. If the verdict and proceedings be confirmed by ordinance within sixty days from the report of the Clerk of the Municipal Court, an appropriation shall be made to pay such sum as has been assessed against the city and the city shall have and hold the property sought to be taken for the purpose specified in the ordinance providing for the improvement, and the City Clerk shall give notice in writing of the fact of such confirmation to the Clerk of the Municipal Court; and the several amounts assessed by the jury against private property shall be a lien on the several lots and parcels of private property charged, from the date of the enactment of the ordinance providing for the improvement until paid; and if not paid within sixty days after the confirmation of the verdict, shall bear interest at the rate of seven per cent per annum, from the confirmation thereof, except as hereinafter provided, and shall be collected by the city as by ordinance provided, by suit or otherwise, as any other special taxes, or by special execution, as follows; namely: A special tax bill against any lot or parcel of property assessed may be issued by the Clerk of the Municipal Court, under his hand, and his signature thereto shall be attested by the City Clerk under the seal of the City, which tax bill shall contain a description of such lot or parcel of property, and the amount assessed against the same as fixed by the verdict, and state that the assessment has been made to pay compensation for private property taken or damaged, or both, as the case may be, for the purpose specified in the ordinance providing for the improvement, giving the title of and date when the ordinance took effect, and that such assessment has been confirmed by ordinance, giving also its title and date when the ordinance took effect, and that such assessment shall bear interest as herein provided. Each tax bill, so issued, shall be filed in the office of the Clerk of the Circuit Court of Jackson County, at Kansas City, and by such Clerk recorded and indexed as a judgment in favor of the city, against the prop-

erty described in the tax bill. At any time after the filing and recording of any such tax bill, as aforesaid, a special execution may be issued thereon out of the said Circuit Court in vacation or term time, as on a judgment of the Court in favor of the city, which execution shall recite the tax bill or the record thereof and state when the tax bill was filed and be directed to the sheriff of Jackson County, and command him, in case the assessment, interest and costs be not paid to him, to sell the property therein described, or so much thereof as may be necessary to pay such assessment, interest and costs. The proceedings under such special execution shall, as far as practicable, conform to the proceedings on special executions on ordinary judgments foreclosing liens on land.

Any sale, including the making of a deed by the sheriff to the purchaser, made as aforesaid, shall vest in the purchaser, all the right, title and interest and estate in the land of the parties owning and interested in the same, who shall not have paid their share of the assessment, and all parties claiming through or under them, or any of them, by operation of law or otherwise, subsequent to the taking effect of such ordinance shall be bound thereby.

Tax bills filed and recorded as aforesaid shall be subject to the order of the Court, and may be set aside or the amount of assessment reduced on motion of any party interested in the property assessed, the city having reasonable notice of the filing of such motion and the object thereof. If no title can be acquired under the proceedings to any of the property sought to be taken, the court shall set aside any bill and assessment on motion. If by reason of any defect or omission in the proceedings the city cannot acquire title or right to any particular parcel of property, or to any interest in any parcel of property sought to be taken, the court shall, on the fact being made to appear, reduce the assessment by deducting therefrom so much thereof as was assessed on account of the property or interest in the property sought to be taken, but not acquired, to be determined as far as practicable from the verdict of the jury making the assessment, and award execution for the residue. No assessment shall be affected or interfered with for the reason that any other assessment or assessments made in the same proceedings may be invalid in whole or in part. Executions and proceedings thereon shall be under the control of the court or judge, as in ordinary civil cases. The owner of any divided or undivided interest in any lot or parcel of the property assessed, whether acquired prior or subsequent to the date of the taking effect of the ordinance, may pay his share separately.

In the case of divided interest the benefits shall be divided in proportion to the area of the lot or tract assessed. No sale on execution on any tax bill shall be affected or invalidated because there may have been ground to set aside or reduce the tax bill. In case of the death of any property owner or claimant pending any proceedings under this Article, it shall not be necessary to bring in his representative, or to revive against such representative by any further notice, though it may be done by the city if deemed advisable. The city may resort to any or all of the modes of collecting such assessments at the same time, but shall have only one satisfaction. Money collected on such assessments shall be used only to pay such compensation and whatever interest shall be collected, and no more, shall be apportioned and paid equitably to the owners of the property taken.

SEC. 5. If any incorporated company which may be interested in the whole or any part of the land to be taken or damaged by the said proceedings, be entitled under the laws of the land to trial of its claim for compensation therefor by common law jury of twelve men, it may at any time prior to the day fixed as herein provided for impaneling a jury, file in the office of the Clerk of the Municipal Court, a petition in which it shall state the description of the property owned or claimed by it so to be taken or damaged and the amount and nature of its claim therefore, and may further state that it demands a trial before a common law jury of twelve men of its claim for compensation therefor; and if any such incorporated company shall not so file such petition before such date, it shall be deemed and taken to have waived its right to trial by a jury as aforesaid of such issue. And if any incorporated company, which may under the law of the land be entitled to a trial by jury as aforesaid, shall file such a petition, then the Municipal Court shall make an order transferring said cause to the Circuit Court for further proceedings therein and the Clerk of the Municipal Court shall within thirty days after such order certify and file with the Clerk of said court a transcript of the proceedings and all papers filed therein, or a copy thereof, and thereupon said court shall become possessed of said cause and the Circuit Court shall cause such common law jury to be impaneled at a time to be fixed by it and the issue to be tried by such jury shall be the actual value of the land of such claimant taken, if any, and the amount of damage to the land of such claimant not taken, by the public use thereof and by the use of the land taken for the purpose for which it is taken, including all the city may, from time to time, do or cause to be done in, with or upon the private property so taken or damaged. If two or more such incorporated companies

interested in the land to be taken or damaged as aforesaid be entitled to trial by a common law jury as aforesaid, and shall make demand therefor as aforesaid, the court may, in its discretion, as may appear expedient, order that all such claims shall be tried at the same time before one jury; and said cause or further proceedings in the same shall be continued from time to time by the court until such issue or issues shall have been determined by the verdict of said jury; *provided*, that any party to such issue which may feel aggrieved by the verdict of said jury may, within four days after the rendition of the same, file its motion for a new trial and in arrest of judgment, and said motion or motions shall be heard without delay, and after hearing the same, the court may overrule the same or may order a new trial of such issue or issues on good cause shown; but no appeal from the judgment of the court overruling such motion shall be had therein until the final judgment of confirmation of the entire proceedings by the said court as hereinafter provided.

After the rendition of the verdict of such common law jury of twelve men, and after the hearing of the exceptions thereto on the motions for a new trial or in arrest of judgment, if any there be, the court shall, on any day thereafter to which said cause may have been continued as aforesaid, impanel a jury of six freeholders and the cause shall proceed before such jury of six freeholders impaneled to try the same as set forth in section six, in this Article; *provided*, that in case any claim for compensation shall have been tried and ascertained by a common law jury as herein provided, any jury of freeholders in said proceedings shall accept and adopt the valuation or assessment of damages for any land taken or damaged as assessed by said common law jury, and shall so recite the same in and as a part of any verdict thereafter rendered by any such jury of freeholders.

SEC. 6. In case the city, or any person affected by the proceedings, either as the owner thereof or interested in any of the property taken or damaged, or as the owner of, or interested in any of the property assessed, shall feel aggrieved by the verdict of the jury, such party so aggrieved may, within twenty days from the time the verdict of the jury is confirmed, appeal to the Circuit Court of Jackson County, Missouri, at Kansas City. If an appeal is taken, the same shall be perfected by the filing with the Clerk of the Municipal Court within the time aforesaid, by some party in interest as aforesaid, such an affidavit as is required by law in appealing from the judgment of a Justice of the Peace, and in which affidavit the party appealing or his agent, shall state what interest the party appealing has in the proceedings. The party appealing may, however, discontinue

such appeal at any time before the transcript has been filed in the office of the Clerk of the said court, by filing a statement in writing to that effect with the Clerk of said Municipal Court.

If an appeal is so taken it shall be the duty of the Clerk of the Municipal Court within sixty days from the taking of such an appeal, unless the appeal be so discontinued, to certify and file with the Clerk of the Circuit Court of Jackson County, at Kansas City, a transcript of the proceedings and all papers filed and used in the trial, or a copy thereof, except the verdict of the jury, but the certificate to said transcript shall state that a verdict was rendered in the proceeding from which the appeal is taken; and thereupon the said Circuit Court shall become possessed of the cause, and said cause unless dismissed, shall be tried *de novo* in said Circuit Court and have precedence over all other causes for trial; and if necessary to a final determination of any question arising in said cause, the Circuit Court shall have the power to make and bring in other parties to such proceedings on service of notice upon them to be made in the manner required by section two of this Article; and if such appeal is taken preceding any term of said Court it shall stand for trial at such term; and if such appeal is taken during the sitting of said court, the cause shall be immediately docketed upon the filing of the transcript and stand for trial, but for good cause, in the discretion of the court, any such proceeding may be postponed or continued, and such proceedings shall not be affected by any postponement or continuance, or want thereof. Such trials on appeals are to be conducted in all respects and subject to the same rules and the same laws as other trials had in the Circuit Court as fully as may be and the same record thereof made and kept. The verdict of the jury or finding of the court, sitting as a jury, shall conform in all respects to the requirements of section three of this Article, and shall have the same force and effect as therein specified, and provided for verdicts of the jury in the Municipal Court, and shall be binding and conclusive upon all persons and parties concerned or interested in the proceedings, and no confirmation thereof by the Common Council shall be required. The assessments against private property shall be paid within the same time, and until paid, bear the same rate of interest as provided in section four of this Article, and the amounts assessed against private property by the finding or verdict shall stand as a judgment, and be a lien on the several parcels of property charged, from the date the ordinance for the improvement takes effect, until paid, and if such assessments are not paid within sixty days from the judgment of the court on the finding or verdict, special execution or executions, as required, may issue against the several lots or

parcels of property against which assessments for benefits are made, and the execution shall be in favor of Kansas City, Missouri, and show the description of the lot or parcel of ground and the amount assessed against the same as shown by the verdict, and show the rate of interest upon assessments, with the date when the same began to accrue, and state that the assessment has been made to pay compensation for private property taken or damaged for the purpose specified in the ordinance providing for the improvement, giving the title and date of approval of the ordinance; which execution shall conform to the proceedings on special executions provided by section four of this Article, and the said proceedings, sale and deed shall have the same force and effect as stated in said section. *Provided*, however, that the city shall have power to bid in such property at such sales and have and hold the same as any other purchaser.

On appeal under this section the jury shall consist of six men who shall be disinterested freeholders of the city and be chosen by the judge of the court. They shall, before making their verdict, examine personally the property taken or damaged and that to be assessed with benefits, and upon the finding or verdict, judgment shall be entered thereon that the city have and hold the property sought to be taken for the purpose specified in the ordinance providing for the improvement, and pay therefore the amount assessed against the city, and full compensation assessed therefore, and that the several lots and parcels of private property assessed to pay compensation by the verdict or finding stand charged, and be bound, respectively, for the payment of assessments, with interest as provided in this Article, and that such judgment be enforced by special execution or executions to collect assessments as aforesaid, without special tax bills, and the court may, by execution or otherwise, put the city in possession of the property taken, or any part thereof, the full compensation therefor having been paid to the owner or party damaged, or into court for him.

The court shall tax and charge the costs in appeals according to equity.

SEC. 7. When any proceeding is appealed to the Circuit Court and none of the appellants appear at the time of said hearing of said proceeding, the court shall dismiss the appeal; and any party appealing may, at any time before the jury has rendered a verdict, dismiss his appeal to the Circuit Court; and should the party appealing not appear, and his appeal be dismissed, or when all parties who may have appealed shall have dismissed their appeals, the verdict rendered on the hearing before the Municipal Court shall remain in full force and be binding on all parties interested in said proceedings, and be enforced

as if no appeal had been taken. In case of such dismissal of the appeal or appeals to the Circuit Court, the several amounts assessed against the property deemed benefited shall bear interest as hereinbefore provided only from date of the dismissal of such appeal or appeals. Any party or parties may appeal from the judgment of the Circuit Court in such manner as appeals are taken in other civil causes, but the only bond required of the party appealing shall be one, conditioned that should the judgment of the Circuit Court be affirmed by the Appellate Court, or should such appeal be dismissed, he will pay all costs of such appeal. When an appeal shall be taken from the Circuit Court, the amounts assessed upon the property deemed benefited shall bear interest only from the affirmance of the judgment in the Appellate Court, or from the dismissal of the appeal or appeals; *provided*, however, that if the party or parties appealing shall be the owner or owners of the property assessed with benefits, then such party or parties appealing shall, unless the judgment be reversed in the Appellate Court, pay interest at the rate of eight per cent per annum on the amount or amounts of the judgment in the Circuit Court charged from date judgment is rendered until paid.

SEC. 8. When recommended by the Board of Public Works, the city may, by ordinance, appropriate out of any funds in the treasury an amount sufficient to pay the whole, or any part, of the damage allowed in any proceedings under this article, or under Article VII of this charter, and the benefits or assessments charged against private property in such proceedings shall be collected by the Treasurer and reported to the Comptroller, and shall be credited to the fund of the city from which such payment was made, unless otherwise provided by ordinance. In any proceeding contemplated by this Article where the city shall pay or cause to be paid to the Clerk of the Court in which said proceeding is pending, the amount of the damages awarded for the use of the persons entitled to the same, the city shall have the right to enter upon and take possession of the property so taken or condemned notwithstanding any exceptions to such award or appeals therefrom and any subsequent proceedings in said case shall only affect the compensation to be allowed.

SEC. 9. The city may sell, assign or transfer, without recourse, in any manner provided by ordinance, the whole, or any part of the unpaid assessments for benefits assessed against private property in pursuance of this Article, or of Article VII of this charter, as shown by the verdict in such proceedings, and the proceeds thereof shall be used for the payment of damages allowed in such proceedings, and the benefits and interest thereon

shall be collected by the city and paid to the purchaser or his assigns thereof, but in no event shall the city be liable on account of failure to collect any assessment; and all the rights of the city shall by such assignment pass to and vest in such purchaser.

SEC. 10. Upon the final determination of any proceedings under this Article, the City Treasurer and Comptroller shall each enter in a suitable record a reference to the proceeding and a description of the lots or parcels of land, taken or damaged, giving the names of the owners or claimants thereof respectively, the amounts of damages and benefits as shown by the verdict, and the date of the confirmation of the verdict, and the Treasurer shall collect said assessments, and, when requested by any owner of property taken or damaged, may make offsets in whole or in part, against any unpaid benefits charged against the property of such owner in the verdict, and make proper entry opposite each tract of the amount of principal and interest collected or offset, and the date thereof, and report the same to the Comptroller. When the amount of such damages shall be in the city treasury, the Comptroller shall, by warrant, and without the necessity of any action or appropriation by the Common Council, pay to the person or persons entitled thereto, or into court for their use, the amount of damages as set out in the verdict and the proportion of interest thereon, if any, and take a receipt therefor.

The city, in no event, shall be liable for any interest on account of any proceedings under this Article. The payment to the City Treasurer, and the entry thereof on his records opposite the description of such tract, or parcel of land, and the date of such payment, and by whom paid, shall be a sufficient satisfaction of any lien, assessment or judgment against such tract, or parcel, created under this Article.

SEC. 11. The city shall not be entitled to the possession of any lot or parcel of property taken or damaged until full payment of the compensation therefor be made or paid into court as herein provided. If the title to any property taken or damaged be in controversy, or there be any dispute as to what party or parties are entitled to such compensation, nothing shall be paid therefor to any party until the right to the compensation be determined by the Circuit Court of Jackson County, Missouri, at Kansas City, in an appropriate suit between the city and the parties claiming the same, in which none of the costs of the litigation shall be borne by the city, unless the city be one of the claimants, and which suit may be brought by the city or any party making claim to said compensation; and during such controversy or dispute the money shall remain in the city treasury, and pending such litigation, the

city may, after having in the city treasury the compensation to be paid for the property; with leave of the court in which the suit is pending, or judge of such court in vacation, by order made in the action, take possession of the property, bringing the money into court, if required, and the court or judge may enforce such order by execution or otherwise. If any party entitled to such compensation be absent, or unable or unwilling to receive the same, the city shall have the right to apply to said court, or the judge thereof in vacation, for an order directing said compensation to be paid to the Clerk of said Court for the use of said party, which order shall be entered of record by said Clerk as the proceedings of said court, and when the amount has thus been paid into court, the rights of the city in said property shall be the same in all respects as if such compensation had been paid directly to the party entitled thereto.

SEC. 12. The city shall provide suitable books, of such form as may be prescribed by ordinance, to be kept by the Clerk of the Municipal Court or the Clerk of the Circuit Court, or both, as may be necessary, showing what pieces of property have been taken or damaged by such proposed improvement, and the amount assessed against each piece of property in the district deemed benefited to make compensation therefor, with indexes to such books, so that the exact condition of each piece of property affected by said proceedings can at any time be definitely ascertained, and such index shall be the only docket of such cases required to be kept by the Clerk of said court.

SEC. 13. As soon as practicable after confirmation of any verdict by the Common Council, the Clerk of the Municipal Court shall make a full record in a book provided for the purpose of such proceedings, which record shall contain correct copies of all ordinances constituting part of the proceedings, notices to the parties to the proceedings and returns thereon, all notices published and the proofs thereof, all orders by the Municipal Court, the names of the jurors and when impaneled, and the verdict of the jury and such other documents and matters as the ordinances of the city may require. The judge of the Municipal Court shall examine such final record of such proceedings, and, if it be correct, sign the same; and thereafter such record, or copy thereof, certified by the Clerk of the Municipal Court, shall be competent evidence in all courts of this state of the facts stated therein. The original papers shall be carefully preserved by the Clerk of the Municipal Court. The city shall pay all costs of proceedings to take or damage private property except costs of proceedings to collect assessments, which shall be taxed and paid as costs in ordinary cases, and except the costs upon appeal as hereinbefore

provided. If the city fails to collect any assessment in whole or in part, it may pay the amount not so collected out of the city treasury.

SEC. 14. In all cases where private property is taken or damaged for any of the purposes set forth in this Article, the Common Council is hereby authorized by the same ordinance, or by separate ordinances, both to condemn private property under the provisions of Section two of this Article for the opening or establishing of any thoroughfare, and also by the same ordinance, or by separate ordinances, to establish the grade or change the grade of the same street or thoroughfare at such points as it may deem advisable and to provide for the grading of the same to such established grade. In such case the notice required to be given, as aforesaid, shall state that benefits and damages, if any, arising from the condemnation and grading of the street or thoroughfare to the established grade shall be assessed by the jury in said condemnation proceedings.

In case the owner of any tract of land shall not file with the said Clerk a claim for damages on account of the proposed grading of the street or thoroughfare, he shall be deemed to have waived the same. Such claim shall be filed on or prior to the day when the jury is empaneled to assess the damages. The jury shall find the amount of damages, if any, to any tract of private property for which damages are claimed on account of the proposed grading, as provided in Article VII of this charter, and in assessing the benefits, shall consider benefits caused by the opening of the street or thoroughfare as provided in this Article, and the benefits arising from the grading of the street to the proposed grade, as provided in Article VII of this charter.

SEC. 15. The Common Council shall have the power, in any proceeding provided for in this Article, at any time before any of the parties assessed with the benefits shall have paid the amount so assessed to repeal the ordinance ordering the proposed improvement, if such repeal be deemed for the best interests of the city, and in such event the judgment for compensation and benefits shall be void.

SEC. 16. When the grading or regrading of any public highway, or the grading or regrading of any highway and highway or highways intersecting therewith, or the construction of tunnels, subways or viaducts in, under or upon said public highway or highways, or the taking of private property by condemnation for widening, opening or extending any such public highway or highways, or any or all of said improvements, shall be deemed by the Common Council to be part or parts of one gen-

eral public improvement, the Common Council shall have the power to provide for the same in one and the same ordinance or by separate ordinances. Said ordinance or ordinances may provide for establishing or re-establishing the grade of such public highway or intersecting highway or highways or part or parts thereof, and may provide for such grading or regrading by means of cuts, fills or viaducts, and may provide for building subways or tunnels, and may, in the same ordinance and as a part of the same general public improvement, provide also for the condemnation of private property taken or damaged by such proceeding. Such ordinance or ordinances shall in such case provide also for the payment of compensation for private property so taken or damaged either out of the general fund of the city or by special assessments upon a benefit district, or both; the damages, if any, caused by such public improvement may be ascertained in one court proceeding or by separate court proceedings in the Circuit Court of Jackson County, Missouri, at Kansas City, as may be provided by ordinance, and all procedure for the ascertainment of damages, the service of notice, and the making of special assessments shall be conducted under such section or sections of this Article or of Article VII of this charter, as the ordinance or ordinances shall provide. Such ordinance or ordinances shall provide the method by which the damages awarded in such proceeding or proceedings shall be paid, and if said damages are to be paid by special assessment upon a benefit district, said ordinance or ordinances shall fix the boundaries of said district.

When proceedings are conducted under the provisions of such ordinance or ordinances, the Board of Public Works shall cause plans to be prepared, which said plans shall be identified in the ordinance or ordinances, and shall show the location and description of the proposed public improvement as a whole, and such plans shall be filed with the Clerk of the Circuit Court with a certified copy of said ordinance or ordinances. Any special assessment against property deemed benefited shall be collected in the manner provided in this Article.

Whenever the grading or regrading of any public highway or intersecting highway, or the construction of tunnels, subways or viaducts in, under or upon such highway or highways, or the taking of any private property for the widening, opening or extending of such highway or highways or any or all of such improvements shall be a part of one general public improvement, and shall be provided for in separate ordinances, all of said ordinances or as many as may be necessary to show said proceeding in its entirety may be introduced in evidence, and may be considered by the jury or juries in assessing the damages and benefits, if any, to arise in any one of said proceedings.

SEC. 17. Whenever it is necessary to condemn any land for the purpose of constructing a viaduct thereon or to condemn an easement or right-of-way over any land for such purpose, or to widen a street, avenue, alley, boulevard, or other public highway, for the purpose of constructing a viaduct thereon, or to construct a viaduct upon a street, avenue, alley, boulevard, highway or other public property, or to change the grade of a highway for any purpose, and such construction or change may cause a damage to private property, the ordinance providing therefor, before its passage, shall be approved by the Board of Public Works, except that in case of boulevards under the Board of Park Commissioners, said ordinance shall be approved by the Board of Park Commissioners. The Board of Public Works, or Board of Park Commissioners, as the case may be, shall cause plans to be prepared, which said plans shall show the location, length, width and height of the proposed viaduct, manner of construction thereof, and the dimensions, character and grade of the approaches thereto. The Board of Public Works, or the Board of Park Commissioners, shall then recommend to the Common Council the passage of an ordinance providing for the construction of such viaduct, making a reference in said ordinance to said plans. Such ordinance shall establish the grade of said viaduct and of the approaches thereto. In case a part or whole of the damages are to be paid for by special assessments, the ordinance shall prescribe a benefit district within which private property is deemed to be benefited, and such private property within such district may be assessed with the benefits, and proceedings therefor shall be begun in the Circuit Court of Jackson County, Missouri, by filing with the Clerk of said court a certified copy of said ordinance, together with a certified copy of the plans of said viaduct; the court shall require service of notice and publication thereof to be given as provided in this Article where condemnation cases are begun before the Municipal Court. Subsequent proceedings in the Circuit Court shall be conducted in the same manner and with the same effect as in cases of appeals taken in condemnation cases begun in the Municipal Court, and in such cases a jury shall determine the damage and assess the benefits as provided by Section three of this Article, and Section seven of Article VII of this charter, so far as applicable.

Whenever it is deemed necessary by the city to condemn a right-of-way for a subway, tunnel or cut, or to condemn an easement for the construction of the same under private property, or to construct the same under any street, avenue, alley, highway or other public grounds, and private property may be damaged thereby, said proceedings may be originated and conducted in the same manner and with like effect as herein provided in regard to viaducts so far as the same may be applicable.

SEC. 18. The Common Council may, by ordinance, prohibit the construction or maintenance of bill boards or advertising boards or structures for the posting, painting or printing of signs or advertisements on private property within any prescribed limits. Such ordinance shall prescribe the size, character and location of such advertising boards and structures so prohibited, and in case any private property shall be so damaged by such prohibition as to entitle the owners thereof to remuneration or damages under the constitution of the State of Missouri, such prohibition and the proceeding to enforce the same shall be treated as a public improvement, and unless the consent of the owner or owners damaged by such prohibition be first obtained, the same procedure for the ascertainment and assessment of just compensation to be paid to the owner or owners of such private property and the manner of payment of such damages shall be adopted as is prescribed by Sections two, three and four of this Article relating to proceedings for condemning and damaging private property. *Provided*, however, that if, within four days after the rendition of the verdict in said proceedings, there shall be filed with the Clerk of the court in which said proceedings are pending, a petition asking for the dismissal of said proceedings signed by the owners of a majority of the front feet of the property in the benefit district fixed by the ordinance instituting such proceedings, then the Common Council shall not have power to confirm said verdict and said proceedings shall be dismissed on behalf of the city and no judgment shall be rendered therein.

SEC. 19. In addition to the methods heretofore provided in this Article for the condemning and damaging of private property, whenever the city shall deem it necessary and by ordinance determine to take or damage any private property for public use of said city, it may adopt the same procedure for such taking and damaging as is prescribed in the general laws of the State for the appropriation and valuation of lands taken for telegraph, telephone, gravel and plank or railroad purposes, being Chapter 12, Article VII, of the Revised Statutes of Missouri, 1899. Upon paying to the Clerk of the Circuit Court the amount of damages awarded, the city shall have the right, notwithstanding the filing of exceptions to such award, or appeals therefrom, to enter upon and take possession of the property so taken and condemned, and to proceed with the public improvement, or in the case of damage only, to proceed with the public improvement, and any subsequent proceeding shall only affect the amount of compensation to be allowed.

SEC. 20. The city may, whenever it is deemed necessary, and in the manner provided by ordinance, institute and prosecute,

within the State of Kansas, when permitted by and in accordance with the laws of that state, proceedings for the taking and damaging of private property for any of the public uses specified in this charter.

SEC. 21. Whenever deemed advisable by the Common Council, and upon ordinance therefor, the proceedings provided for in this Article, may be commenced in the first instance and maintained and determined in the Circuit Court of Jackson County, Missouri, at Kansas City, and such court shall have original, full and complete control and jurisdiction thereof, and of the parties thereto, and such proceedings may be commenced, maintained and determined, as near as may be, in similar manner, with similar procedure and like process and service thereof, as provided for in Sections two and three of this Article, and whenever in such event, the Mayor of the city shall file, or cause to be filed, in said court a duly certified copy of an ordinance of said city, with the statement by map or plat as provided in Sections two and three of this Article, for similar proceedings, the court shall become fully possessed of the proceedings with full power therein and have complete and sole control and jurisdiction thereof. In such case the court shall, upon application of the city, make the order provided for in Section two of this Article, and service and publication thereof shall be made as provided for in said section.

SEC. 22. Whenever the Common Council shall so determine, the assessments to pay for property taken or damaged shall be paid in such number of annual installments as may be determined by ordinance upon the recommendation of the Board of Public Works. In such case the proceedings shall be begun and prosecuted to judgment in the Circuit Court of Jackson County, Missouri, at Kansas City. The assessments shall bear interest at the rate to be specified in the ordinance not exceeding seven per cent. per annum. In such case the provisions of Sections twenty-two, twenty-three and twenty-four of Article XIII shall apply as to the payment and collection of the amounts and the penalties thereon and the disposition of the money so collected.

The Common Council, upon recommendation of the Board of Public Works, may, by ordinance, provide that the City Treasurer shall issue certificates equal in amount to the unpaid assessments as provided in Section twenty-five of Article XIII of this charter. Such certificates shall be known as condemnation fund certificates and all the provisions of Sections twenty-five, twenty-six and twenty-seven of Article XIII shall apply to the issue, sale and payment of such certificates so far as applicable, except that all the rights, powers and duties in said sections conferred upon the Board of Park Commissioners are hereby conferred

upon and vested in the Board of Public Works, provided that any sums received from the collection of assessments or the sale of condemnation fund certificates as authorized by this section, more than are required to pay for the property taken or damaged in any proceeding, shall be credited to the general fund of the city.

SEC. 23. When by reason of any error, defect, or omission in any proceedings, or in the verdict or judgment therein that may be instituted under the provisions of this Article, a portion of the private property sought to be taken, or some interest therein, cannot be acquired, or an assessment is made against private property which cannot be enforced or collected, or when, by reason of any such defect, private property in the benefit district is omitted, the city may, by ordinance, institute, carry on and maintain supplemental proceedings to acquire the right and title to such property or interest therein intended to be taken by the first proceeding, but which cannot on account of such defect, error or omission, be acquired thereunder, or to properly assess against any piece or parcel of private property against which an assessment was in the first proceeding erroneously made or omitted to be made, the proper amount such private property, exclusive of the improvements thereon, is benefited by the proposed improvement to be determined by the verdict of the jury in such supplemental proceedings; and the original assessments may be revived, corrected, increased or diminished as may be necessary or equitable under the provisions of this Article for the original proceedings. Such supplemental proceedings shall be instituted and conducted as to the particular piece or pieces of private property sought to be acquired or assessed in like manner and with like effect as in the original proceedings, and shall be known and described as supplemental proceedings for the purposes specified in the original ordinance; and a supplemental verdict and assessment shall be made, confirmed and copies of the original verdict certified in every particular as in the original proceedings; and the assessments as established and corrected by such supplemental verdict shall be collected by the City Treasurer in the same manner and under like conditions and restrictions, powers and duties as in the case of original proceedings.

SEC. 24. Within six months after the confirmation of the verdict of a jury in the Municipal Court or within six months after the rendition of a final judgment vesting in the city the title of any land as provided by this Article, the city shall cause to be filed in the office of the Recorder of Deeds of Jackson County, at Kansas City, a certified copy of said confirmation ordinance, or certified copy of such judgment, as the case may be.

SEC. 25. Whenever the city shall propose to acquire outside the corporate boundaries of the city and within the territorial limits of Jackson County, any right-of-way for sewers or any lands for use for or in connection with sewer purposes or the right to make use of any natural course of drainage or water course or any part thereof as a public drain or sewer route, by purchase or by the exercise of the power of eminent domain for public use as an outlet or appurtenance to any sewers built or to be built within the corporate boundaries of the city, the Common Council shall, by ordinance, describe sufficiently for identification the right-of-way, lands and natural course of drainage or water course or part thereof to be made use of proposed to be acquired as aforesaid and shall designate the sewer district or districts within the corporate boundaries of the city which shall be deemed benefited by the acquisition thereof and by the construction of such outlet and all appurtenances which may be constructed or used in connection with such outlet; thereupon the city may proceed to acquire such right-of-way, lands and right to use such natural course of drainage or water course, or part thereof, by gift, purchase or condemnation proceedings in the manner herein provided, and the whole cost of so acquiring the same, less such sum as may be appropriated by the city for that purpose or otherwise paid, shall be collected by special tax from all lands exclusive of highways, streets and alleys embraced within the said district or districts declared to be so deemed benefited, in the manner hereinafter provided. The cost of constructing such outlet and all appurtenances which may be constructed in connection with such outlets, less such sum as may be appropriated by the city for that purpose or otherwise paid, shall be paid for in special tax bills, as hereinafter provided, against all lands, exclusive of highways, streets and alleys embraced within the said district or districts.

SEC. 26. The city may acquire any part of such right-of-way, lands and natural course of drainage or water course, as aforesaid, in the same condemnation proceedings or by separate condemnation proceedings, and may proceed against each owner separately or any number of owners may be joined in one proceeding, but in all cases the damages to each shall be separately assessed.

SEC. 27. In case the city shall desire to acquire any such right-of-way or lands or the right to so make use of any such natural course of drainage or water course or part thereof for public use, as aforesaid, and the riparian owners of any such water course or owners of such course of drainage or of any of such lands or of the property through which such right-of-way

runs and the city cannot agree upon the proper compensation to be paid therefor, or in case the owner is incapable of contracting, be unknown or be a non-resident of the State, the city may apply to the Circuit Court of Jackson County or to any judge thereof in vacation, by petition, setting forth a general description of such natural water course or course of drainage or describing the route of the right-of-way so sought to be acquired over or through any lands and describing the lands so sought to be acquired, the names of the owners thereof if known or if unknown, a pertinent description of the property whose owners are unknown, and praying the appointment of three disinterested freeholders of the County as commissioners or for a jury to assess the damages which such owners may severally sustain in consequence of the use of such natural water course or courses of drainage for the purposes aforesaid, or for the use of such right-of-way for the purposes aforesaid or by the taking of such lands. The owners or those having any right, title or interest in such land or natural water course or course of drainage or part thereof or land through which such right-of-way runs is sought to be appropriated, shall be made parties defendant by name if the names are known, and by description of the unknown owners of the same if their names are unknown. It shall not be necessary to make any persons defendant in respect to their ownership unless they are either in actual possession of the premises to be affected, claiming title, or have a title to the premises appearing of record upon the proper records of the county.

SEC. 28. Upon the filing of the petition a summons shall be issued giving such owner at least ten days' notice of the time when said petition will be heard, which summons shall be served by the sheriff of the county in the same manner as writs of summons are or may be by law required to be served. If the name or the residence of the owner be unknown or if the owners or any of them do not reside within the State, notice of the time of hearing the petition reciting the substance of the petition and the day fixed for the hearing thereof shall be given by publication for three weeks successively prior to the time of hearing the petition, in a newspaper published in the county.

SEC. 29. The court, or judge thereof in vacation, after being satisfied that due notice of the pendency of the petition has been given, shall appoint three disinterested commissioners who shall be freeholders, residents of the county, to assess the damages which the owners may severally sustain by reason of such appropriation, who, after having viewed the property shall forthwith return under oath such assessment of damages to the clerk of such court setting forth the amount of damages, and the clerk

shall file such report and record the same in the order book of the court. In estimating damages the commissioners shall always take into consideration the advantage as well as the disadvantage resulting from the establishment of the said sewer route or sewer to the lands through or over which the same may run.

SEC. 30. Upon the filing of such report of said commissioners, the clerk of the court wherein the same is filed shall duly notify the party whose property is affected of the filing thereof. Such report may be reviewed by the court in which the proceedings are had and on written exceptions filed by either party in the clerk's office within ten days after the service of the notice aforesaid, the court shall make such order therein as right and justice may require, and may order a new appraisement upon good cause shown. Such new appraisement shall at the request of either party be made by a jury under the supervision of the court as in ordinary cases of inquiry of damages. In all cases, the report of the commissioners when signed by a majority of them shall be taken and considered as the report of all.

SEC. 31. The cost of the proceedings shall be paid by the city up to and including the filing and copying of the report of the commissioners, and the court, as to any costs made by subsequent litigation, may make such order as in its discretion may be deemed just. The court shall allow the commissioners a reasonable allowance for their services, which shall be taxed as costs in the proceedings.

SEC. 32. Upon the payment to the clerk of said court of the amount so assessed or if a verdict of a jury shall have been rendered of the amount awarded by such jury for the party in whose favor the same has been assessed or awarded, the city may proceed to use such natural course of drainage or water course and construct such sewer and appurtenances and to take possession of such lands, and all further and subsequent proceedings shall only affect the amount of compensation to be allowed.

SEC. 33. The whole cost of acquiring such lands and the use of such course of drainage or water course and of such right-of-way, less such sum as may have been appropriated by the city for that purpose or otherwise paid as aforesaid, shall constitute a lien on all the lands within said district or districts, exclusive of public highways, streets and alleys so declared to be deemed benefited in proportion to the area of each tract, and shall be collected by a special tax. Such cost shall be computed and apportioned by the Board of Public Works and set down in a book pro-

vided for that purpose and by said board certified to be correct, and such book, and certificate or a copy thereof, or of any part thereof, certified by said board shall be received in all courts in this state as *prima facie* evidence of the validity and equality of such special tax and of all steps and proceedings necessary to the validity and collection of such special tax. Said book, when so certified shall be forthwith turned over to the city treasurer, whose duty it shall be to collect such special tax at the same time the general city taxes are collected. Such special tax shall bear interest at the rate of seven per cent per annum from the date of such certificate, unless paid within sixty days after such date, and such special tax may be paid to the city treasurer at any time. The city may also collect such special tax by suit foreclosing the lien thereof, before any justice of the peace or municipal court or other court having jurisdiction of the amount sued for, and in any such suit it shall only be necessary for the plaintiff to allege the certification and delivery of such book and the amount and non-payment of the special tax sued for, together with a description of the particular tract of land charged therewith.

SEC. 34. It shall be lawful for any person to advance to the city for the use and benefit of such district or districts so declared to be deemed benefited the whole or any part of such special tax, the amount advanced to bear interest at the rate of seven per cent per annum until collected from such special tax. A certificate of such advance shall be issued to such person by the Mayor and Comptroller and all sums thereafter collected on such special tax shall be paid over to such person on demand as of the day on which the same was collected until the whole amount so advanced and interest as aforesaid shall have been duly paid; but the city shall in no event be liable to such person in any manner whatever for the amount so advanced or any part thereof, but the collections from such special tax shall constitute the only resource for the payment of the same.

SEC. 35. The cost of constructing any outlet sewer, appurtenances and works in connection therewith or to be used in connection therewith on or along said right-of-way course or drainage or water course or on said land or any part thereof, less such sum as may have been appropriated by the city for that purpose or otherwise paid as aforesaid, shall be paid for wholly or in part in special tax bills against all lands embraced within said district or districts, exclusive of public highways, streets, and alleys, in proportion to the area of each tract, the work to be done and the special tax bills to be issued in accordance with the provisions of this charter concerning the construction of district sewers and

the issuing of special tax bills therefor so far as tht same may be applicable.

SEC. 36. The Common Council shall have power to appropriate money for the purposes aforesaid and to pass all ordinances not inconsistent with this charter or the constitution or laws of the State, which may be deemed necessary or expedient to further carry out the purpose and intent of this Article.

SEC. 37. In all cases where the city shall provide by ordinance for the condemnation of land beyond the city limits in the State of Missouri for any purposes specified in this charter where the same is to be paid for by the city out of the general fund, or by the sale of bonds, or in any manner except the assessment of benefits, the proceedings for the condemnation of such land shall be begun and conducted in the Circuit Court of the County where said land to be acquired is situated, and the compensation or damages for the taking of said land shall be ascertained in the same manner provided for acquiring land in Jackson County, as set forth in sections 27, 28, 29, 30, 31 and 32 of this Article.

ARTICLE VII.

Grading.

SECTION 1. The Common Council shall have at all times the power to establish the grade and to change the grade already established of any street, alley, avenue, public highway or part thereof, as often as it may be deemed best for the public interest, and to cause the same or any part thereof to be graded to the established grade or to any change thereof; *provided*, however, that when a change is proposed to be made in the grade of any street, alley, avenue, public highway or part thereof, which has once been established, the Common Council shall by resolution declare the work of improvement to be necessary, and cause such resolution, or the substance thereof, to be published in the newspaper doing the city printing, for ten days (Sundays included), and unless the resident owners of the city who shall own the majority in front feet of all the lands belonging to such resident owners fronting on the street, alley, avenue, public highway or part thereof to be improved, shall, within thirty days after the first day of the publication of such resolution, file with the City Clerk their remonstrance against the proposed change, then the Common Council shall have power by ordinance to cause the proposed change to be made; *provided*, further, however, that no such resolution or ordinance shall be passed by the Common Council, except upon the recommendation of the Board of Public Works endorsed thereon. If the remonstrance of the resident property owners above mentioned shall be filed with the City Clerk, as herein provided, the power of the Common Council to make the proposed change in the grade of such street, alley, avenue, public highway or part thereof, shall cease until a sufficient number of persons so remonstrating, or their grantees, shall, in writing, withdraw their names or the property represented by them from such remonstrance, so that said remonstrance shall cease to represent a majority of the resident owners as above provided, or until the proposed ordinance establishing or re-establishing such grade shall have been approved by the qualified voters of the city voting at a general election or at a special election to be held for such purpose, whereupon the Council shall have the power to pass said proposed ordinance and cause said improvement to be made.

SEC. 2. When the property owners to be disturbed or damaged by the grading, or re-grading of any street, alley, ave--

nue, public highway or part thereof are lawfully entitled to remuneration or damages under the constitution of the State of Missouri, and shall not have waived any right or claim thereto, the ordinance which shall order the grading or re-grading of any street, avenue, alley, public highway or part thereof, shall also prescribe and determine the limits within which private property is deemed benefited by the proposed grading or re-grading.

SEC. 3. Within thirty days after the taking effect of the ordinance, the City Engineer shall furnish the Mayor a map or plat containing a correct description of the several lots or parcels of private property in the benefit limits prescribed in said ordinance, but a failure to furnish the map or plat within the specified time shall not invalidate the proceedings.

SEC. 4. The proceedings hereinafter provided for shall be heard and determined by the Circuit Court of Jackson County, Missouri, at Kansas City, or if not in session, by a judge thereof, and when they are had in vacation the same record thereof shall be made and kept as if such proceedings had been had in term time; *provided*, however, that whenever it is deemed advisable by the Common Council, and upon ordinance therefor, the proceedings hereinafter provided for in this Article may be commenced in the first instance and maintained and determined in the Municipal Court of the City, and such court shall have original, full and complete control and jurisdiction thereof, and of the parties thereto, and such proceedings may be commenced, maintained and determined as near as may be in similar manner, with similar procedure and like process and service thereof as is hereinafter provided for the procedure in the Circuit Court of Jackson County, Missouri, at Kansas City; and whenever, in such event, the Mayor of the City shall file, or cause to be filed, in the Municipal Court a duly certified copy of the ordinance of the city providing for such grading or re-grading with the statement by map or plat above provided for, the Municipal Court shall become fully possessed of the proceedings with full power therein, and have complete and full control and jurisdiction thereof. In such case the Municipal Court shall, upon application of the city, make all orders and take such steps and follow such procedure as is hereinafter provided for the Circuit Court of Jackson County, Missouri, at Kansas City, or the judge thereof.

In case the city or any person affected by the proceedings shall feel aggrieved by the verdict of the jury in the Municipal Court, he may, within twenty days of the filing of the verdict.

appeal to the Circuit Court of Jackson County, Missouri, at Kansas City. Such appeal shall be perfected in the manner provided in Section 6 of Article VI of this charter, and upon the perfection of such appeal, said cause shall be tried *de novo* in the said Circuit Court. If said cause be so tried in the Municipal Court and be not appealed, as above provided, the several lots or parcels of private property assessed to pay compensation shall stand charged and be bound respectively for the payment of such assessments, with the lien thereof charged from the date of enactment of the ordinance for the improvement, until paid. If such assessment be not paid within sixty days after the rendition of the verdict, the same shall bear interest at the rate, and shall be collected in the manner provided by Section 4 of Article VI of this charter.

SEC. 5. When the Mayor shall file or cause to be filed, a certified copy of said ordinance, with a copy of the map or plat provided for in Section 3 of this Article, in the Circuit Court, or with the clerk thereof, such court, or the judge thereof, shall fix a day and place for assessing the damages and benefits to arise from the proposed grading or re-grading, and shall make an order reciting the title of the ordinance and stating the general object and nature of the ordinance; and also stating the limits within which private property is benefited by the proposed grading or re-grading, as determined and prescribed by the ordinance, and said order shall be directed to all whom it may concern, without naming them, notifying them of the day and place fixed for the ascertaining of damages and benefits to arise from said grading or re-grading, and that unless they file their claim for damages as herein required they shall thereafter be precluded from making any claim on account thereof, which order may be substantially in the following form, to-wit:

“Kansas City, Missouri.

TO ALL WHOM IT MAY CONCERN: Notice is hereby given that a certified copy of an ordinance of Kansas City, Missouri, No., approved on the day of, 19. . . ., entitled “.,” has been duly filed and presented to this Division No. of the Circuit Court of Jackson County, Missouri, at Kansas City, which ordinance provides for the grading (or re-grading) of street in said city, from street to street as specified therein; that private property may be disturbed or damaged by said proposed grading and that the owner or owners thereof and parties interested may be entitled to remuneration; that the limits prescribed and determined by said ordinance within which private property is deemed benefited and may be

assessed to pay said remuneration are as follows: 'Commencing to beginning'; that the day of 19...., is the day, and the court room of said court in the county court house in Kansas City, Missouri, is the place fixed by the court for the ascertaining and assessing of the damages and benefits to arise from said proposed grading; that unless claimants for damages file claim therefor before the day fixed aforesaid, or before the day to which said proceedings may be postponed or continued, they will thereafter be precluded from making any claim for remuneration and that property assessed with benefits to pay remuneration will be sold if assessment is not paid.

.....
Attest:

.....”

A copy of such order shall be published in each issue of a newspaper at the time doing the city printing, for ten days (Sundays included), the last insertion to be not more than one week prior to the day so fixed for said hearing. The court, or judge thereof, may, at the time of making said order, further order that all or any portion of the residents of the city owning or having an interest in real estate fronting on the street, alley, avenue, public highway or part thereof, proposed to be graded or re-graded, or in the real estate within the limits of the district prescribed by the ordinance within which private property is deemed benefited by the proposed grading or re-grading be served with a copy of said order, either by delivering to each of such owners a copy of the order or leaving such copy at their usual place of abode with some member of their respective families over the age of fifteen years, and in the case of resident corporations, by service of said order in like manner as with summons in ordinary civil causes. If service of such notice cannot be made on any or all of such parties as above described, within the city limits, when personal service is ordered by said court, or judge, the return on such notice shall so state. Thereupon an *alias* order, specifying a different date, may be made by said court, or judge, if deemed advisable, notifying such unserved parties of the facts, as in case of original notice above provided. Said cause may be continued or postponed from time to time. It shall not be required in any case to bring in any person other than the owners of the property or those interested therein, who were such at the time of the taking effect of the ordinance providing for the improvement, and the parties claiming or holding through or under such owners or parties interested, or any of them, shall be bound by the proceedings as fully as if they were brought in; but any person having any interest

in the real estate liable to be affected by said proceeding may, upon application and entering his appearance, be made a party thereto; but no notice of said proceedings shall be necessary to the validity thereof, except the publication of the order, as herein provided. Notice so given by publication shall be sufficient to authorize the court, or the judge thereof in vacation, to hear and determine the cause and to make any finding or order therein as though all the parties had been sued by their proper names and had been personally served. Affidavit by the publisher, manager, or any person connected with the newspaper in which such order was published, accompanied with a copy of the notice, shall be evidence of the fact of the publication of the notice or order as stated therein. At any time before the day set for the hearing or before the day to which said cause may have been postponed or continued as designated in either of aforesaid notices, any person claiming damages by reason of the aforesaid grading or re-grading, may file, or cause to be filed, with the clerk of said court, a description of the property claimed to be damaged and the interest of the claimant therein. The clerk shall note the filing of such claim as a part of the record of said cause. If no claim be filed before the day set for the hearing of said cause, or the day to which said cause has been postponed or continued, as above provided, the court, or judge thereof, in vacation, shall make an order finding that no such claim has been filed, and thereupon the grading or re-grading may then be done, or made, and no claim for damages therefor shall thereafter be made or considered. The service of any notice or process required by this article or ordered by the court, or judge thereof in vacation, may be made by a policeman of the city, or by any constable or other officer authorized to serve or return notices, and any return of service by a policeman, constable or other officer shall be evidence of the facts therein stated.

SEC. 6. On the day set for hearing, if notice has been given as hereinbefore required, the court, or judge, shall appoint and cause to be empaneled a board of commissioners composed of six men, who shall be disinterested freeholders of the city, and such commissioners shall be allowed the same fee that jurors are allowed for their services. The term "disinterested freeholder," as used in this article, shall not be so construed or defined as to exclude or disqualify any person interested in property by reason of the fact that he is trustee in a deed of trust upon property taken or damaged or within the benefit limits.

SEC. 7. The commissioners provided for in the preceding section shall be sworn to ascertain and report the actual dam-

ages, or just compensation, to be paid in each case separately, as well as the benefits to be assessed, under such instructions as shall, after hearing the parties, be given them by the court or judge. The parties interested may submit evidence to the commissioners, and the commissioners shall examine personally each piece of property described on such map or plat, and all property claimed to be damaged by such proposed grading or re-grading. The commissioners shall ascertain and state in the report or verdict:

First: The amount of actual damage to each piece of private property that will be damaged by reason of the proposed grading or re-grading, making just allowance for all special benefits to such piece of property from such grading or re-grading, and when the damages to any piece of property do not exceed the benefits thereto from the proposed improvement, the commissioners shall not report any allowance or damages to such piece.

Second: If the commissioners shall find that private property is actually damaged by reason of the proposed improvement, to pay the total amount of such damages allowed, they shall first assess against the city such sum as is equal to the amount of benefits the city at large will receive from the proposed improvement, and the balance of the sum so awarded as damages and not assessed against the city the commissioners shall assess against the private property within the benefit limits prescribed in the ordinance, but excluding from such assessment any piece of private property to which damages are awarded on account of the proposed improvement, when the damages allowed exceed the benefits assessed against such piece of private property; and no piece of private property shall be assessed with benefits in any amount in excess of the actual benefits which the same will receive by reason of the proposed improvement; and in determining such actual benefits to any piece of private property, the damages which it may have sustained, but for which no claim was made, shall be taken into consideration by the commissioners. If the commissioners cannot agree the court may discharge them, and may proceed to empanel another board; but the order to empanel a new board of commissioners must be made on the day of discharging any board of commissioners and must name the time and place of empaneling the new board.

SEC. 8. The verdict of the board of commissioners shall be signed by each commissioner, and delivered to the court or judge on the day fixed for such report at the hearing of the same unless said commissioners are granted further time by the court or judge. Such report or verdict shall contain a correct de-

scription of each lot or parcel of property damaged, the names of the claimants, and the amount of damages thereto; also the amount of benefits assessed against the city, together with a correct description of each lot or parcel of private property assessed with benefits and the amount assessed against the same. The city engineer, or his assistant shall, when requested by the court or judge, put the verdict or report in proper form. The court or judge may, on its or his own motion, or on the motion of the city, or of any party interested in the proceedings, for good cause, set aside the verdict or report of any board of commissioners, and thereupon appoint a new board to perform the duties in this article prescribed, and fix a time and place for empaneling such other board and a rehearing of the whole matter. The court costs, up to and including the judgment, and costs of giving the notices herein, shall be paid by the city.

SEC. 9. The verdict and report shall, unless set aside, be confirmed by the court or judge thereof, and judgment entered thereon that the city pay the damages assessed therein, and that the city recover the respective amounts assessed against private property, and that the several lots or parcels of private property, so assessed to pay compensation by the verdict or report, stand severally charged and be bound for the payment of the respective assessments, also the interest and costs that may accrue thereon. Such judgment shall be by the clerk docketed and indexed in the books used for that purpose, as provided for in Section 12, Article VI, of this charter. Such judgment may be enforced by a special execution if the same is not paid, or as to the portion not paid. The judgment as to the benefits assessed against private property shall bear interest at the rate of seven per cent per annum from the date of such judgment, unless appealed from; but in case of an appeal, interest shall be charged only from date of affirmance or dismissal of the appeal in the Appellate Court. The execution herein authorized shall be deemed sufficient if it recites the date of the judgment, the amount assessed against each tract described therein, the rate of interest thereon, and the date when it begins to accrue and state that such tract or tracts were assessed to pay compensation for damages to private property for grading or re-grading of a street, alley, avenue, public highway or part thereof, as the same may be, giving the title and date of approval of the ordinance ordering such grading or re-grading, and command the officer to whom such execution is directed to sell each tract or parcel of property therein described, or so much thereof as may be necessary to satisfy the assessment and interest and costs due thereon.

SEC. 10. In all cases where the grading or re-grading of a street, alley, avenue, boulevard or public highway or part thereof, would cause an embankment or fill to be made, leaving any abutting property below the proposed grade of the street, the common council shall have authority in the ordinance for such grading to provide for the condemnation of an easement in said abutting property, or a right to support said embankment or fill so far as may be necessary to bring the street to the required grade, and by allowing the material of which said embankment is made to fall upon the abutting land at the natural slope so that the surface of said street may be graded the full width thereof. In such case the Board of Public Works shall prepare a plat showing a profile of the portion of the street, avenue, alley, boulevard or other public highway proposed to be graded, and indicate thereon approximately the amount of the encroachment of the embankment upon the abutting property. Said plat shall be referred to and identified in said ordinance. In such cases the notice to be given shall state that such easement is sought to be acquired in said proceedings.

Such easement acquired by the city shall not prevent the use of property to the line of the street by the owner or occupant thereof, *provided*, that if he shall remove the support of an embankment he shall support the same by a sufficient wall, or by some other method satisfactory to the city engineer. In all cases where an easement shall be condemned as herein provided, any person interested in any property affected thereby who makes claim for damages therefor as provided in case of damages on account of such grading, shall be entitled to have the commissioners determine the damages caused by said easement in addition to the damages provided for in Section 7 of this Article.

Any person interested in any property affected by such proceedings, who fails to file a claim for damages within the time and in the manner herein provided for the filing of a claim for damages on account of the proposed grading shall be deemed to have waived the same.

SEC. 11. Any party aggrieved by the judgment may take an appeal therefrom by filing such affidavit as is required in appealing civil cases, and filing a bond in such sum and with such security as may be approved by the Circuit Court, or the judge thereof in vacation, conditioned that the party appealing, should the judgment be affirmed by the Appellate Court, or if such appeal should be dismissed, shall pay all costs of such appeal. The bond or affidavit for such appeal, however, shall be filed within twenty days from the date of the judgment, and the appeal shall be perfected within sixty days from the

date of the judgment, unless further time be granted by the court. In case of appeal, the judgment shall stand suspended until the appeal is disposed of, and no interest shall be collected on assessments until such appeal be affirmed or dismissed; *provided*, however, that the party appealing shall pay interest at the rate of seven per cent. per annum on his assessment unless such appeal is reversed. No writ of error shall be allowed. The clerk of the Appellate Court shall put such case upon the docket for hearing at the next term of that court, if the appeal is allowed. No error or defect not affecting the rights of the appellant shall work a reversal of the judgment.

SEC. 12. The proceedings herein shall in all respects not herein provided for conform as near as may be to the practice and procedure in civil cases, including the sale under execution and the making of deeds to purchasers. The city shall have power to purchase at such sales.

SEC. 13. Should no claim for damages be filed at any time before the day set for hearing as provided in this article, or if the verdict or report of the commissioners shall declare that no damages will result to private property from the proposed grading or re-grading, or if damages assessed by said verdict or report shall be paid to the owners, or into court for them, the city may proceed to cause the grading or re-grading to be done according to the ordinance. Payment to the clerk of the court for the owner shall be deemed a payment into court of any damages assessed.

SEC. 14. The proceedings herein prescribed for ascertaining the damages or compensation to private property from grading or re-grading of streets, avenues, alleys, public highways or parts thereof, shall be taken and held by the courts as excluding every other method or remedy for such ascertainment. Any person failing to receive an award of damages in the proceedings herein authorized shall be held concluded by the verdict or report of the commissioners and the judgment thereon; and such verdict or report shall in every other proceeding, legal and equitable, be taken and held as conclusive as to what private property will be damaged and benefited, or either, and the extent thereof, by the proposed grading or re-grading, subject to review only as herein allowed: *Provided*, however, that should the court or judge upon evidence find that the benefit district prescribed by the common council is unreasonable, it or he can so declare and cause an entry of such finding to be placed on record in the cause; and such finding shall cause all the proceedings had under such ordinance to be null and void; and an

appeal from such finding of the court or judge may be taken in the same manner as in any ordinary civil case. The inquiry as to the reasonableness or unreasonableness of the ordinance in the matter mentioned may be heard and determined by the court or judge before the submission of any other testimony in the case, or it may be submitted and disposed of by the court at any time before the verdict or report of the commissioners.

SEC. 15. When damages are assessed to any piece or parcel of private property and paid into court, the right to such damages, if there be more than one claimant, may be determined by the court on motion of any party claiming an interest therein, but the costs resulting from such motion shall not be assessed against the city. The court may require the claimant to interplead for the fund according to equity.

SEC. 16. The city shall have the power at any time before any of the parties assessed with benefits shall have paid the amount so assessed, to repeal the ordinance ordering the proposed grading or re-grading, if such repeal be deemed for the best interests of the city, and in such event the judgment for damages and benefits shall become void.

SEC. 17. It shall be the duty of the city treasurer to receive the benefit assessments on private property at any time after the conclusion of the proceedings before the issuance of execution. Payment of the benefits to the city treasurer as provided in this section shall operate as a satisfaction of the judgment therefor and the lien on the land charged therewith.

SEC. 18. In addition to the method hereinbefore provided in this article for ascertaining the damages, if any, arising from proposed grading or re-grading, of any street, avenue, alley or public highway or part thereof, whenever the city shall deem it necessary, and by ordinance so determine, it may adopt the same procedure for ascertaining the damages caused by such grading or re-grading as is prescribed in the general laws of the State for the appropriation and valuation of lands taken for telegraph, telephone, gravel and plank or railroad purposes, being Chapter 12 of Article VII of the Revised Statutes of Missouri of 1899. Upon paying to the clerk of the Circuit Court the amount of damages awarded, the city shall have the right to proceed with such grading or re-grading, notwithstanding the filing of exceptions to such award, and any subsequent proceedings shall only effect the amount of compensation to be paid.

ARTICLE VIII.

Public Improvements.

SECTION 1. The city shall have power to acquire and cause to be made, all public improvements designated in this article, to pay therefor, in whole or in part, out of the general fund, or in whole or in part by special assessments, and to make and levy, assess and collect special assessments to pay therefor, and to issue special tax bills to evidence such assessments.

SEC. 2. All ordinances and contracts for all work authorized to be done by this article shall specify how the same is to be paid for, and in case payment is to be made to the contractor in special tax bills, the city shall in no event, nor in any manner, be liable for or on account of the work. All city improvements of whatever kind or character, made or to be constructed at the expense of the city, including all work to be paid for in special tax bills, except as in this charter provided otherwise, shall be let by contract to the lowest and best bidder; *provided*, however, that nothing in this section shall be so construed as to prevent repair by day's work of streets, alleys and other public places, curbing, sewers, culverts, buildings or other city property so far as may be necessary under the direction of the Board of Public Works.

In specifying the character of the materials for, or mode of construction of the pavements or roadways, or the construction of curbing or sidewalks, the city shall not limit the materials to be used to those taken from any specific place, mine or quarry, or to the material of any particular owner or manufacturer, or to any patented process or material, but the Board of Public Works may arrange plans and specifications for bids in such manner as to permit any such materials to enter into competition, and any contract made with the lowest and best bidder under such plans and specifications, if confirmed by ordinance, shall be valid.

The board may reject any and all bids.

SEC. 3. All proceedings to improve streets, avenues, alleys, sidewalks and public highways of every character, and parts thereof, within the city, by grading, re-grading the same, paving or re-paving the same, with any material, macadamizing or re-macadamizing or oiling the same, constructing or reconstructing the same, curbing or re-curbing the same, guttering

or re-guttering the same, or repairing the same, constructing bridges, viaducts, tunnels, subways or cuts on or along or under the same and the maintenance and repair of any or all of such improvements during a stated term of years, and by sodding, re-sodding and the planting or re-planting of trees and maintaining them for a term of years along the same, or along any part thereof, excepting boulevards under park commissioners, or a proceeding for constructing or reconstructing public, district or joint district sewers, shall be begun by the adoption of a resolution by the Board of Public Works, which resolution shall state the nature of the improvement and when the same is to be paid for in whole or in part in special tax bills, the method of making assessments to pay therefor.

After the adoption of any such resolution the Board of Public Works shall, by order, fix a day upon which a hearing in respect to such improvement shall be had, which day shall be within thirty days after the date when such order is made, and shall cause to be published for ten days in the newspaper at the time doing the city printing, and if there be no such paper, then in any other newspaper published in the city, a notice directed to the property owners interested in the improvement without naming them, which notice shall recite the substance of the resolution and that a hearing will be had by the said board at their office concerning the proposed improvement, and the date upon which the hearing shall be had.

On the date fixed for such hearing any and all property owners interested in such improvement may, by written petition, or otherwise, present their views in respect to the proposed improvement to the said board, and the said board may adjourn the hearing from time to time. After such hearing, if the said board shall determine that it is not for the public interest that the proposed improvement, or a part thereof, be made and paid for, either out of the general fund or by any method of assessment, they shall make an order to that effect, and thereupon the proceeding for the improvement, or part thereof determined against by such order, shall stop and shall not be begun again until the adoption of a new resolution.

In case the improvement or part thereof consists of paving or re-paving, macadamizing or re-macadamizing the roadway of a street, avenue, alley or part thereof, which shall not have been found and declared to be used and occupied for business purposes, as hereinafter specified, and the resident owners of the city owning a majority of the front feet of all the lands belonging to such residents and fronting on the street, avenue, alley or part thereof to be paved or macadamized, shall file with the said board, on or before the day fixed for such hearing,

a remonstrance against such paving or macadamizing, the power of the board to make the improvement shall cease for the period of six months from the date of the filing of such remonstrance, after the lapse of which period the proceeding may be begun by the adoption of a new resolution.

In case the proposed improvement consists of paving or re-paving, macadamizing or re-macadamizing as aforesaid, then, in that event, upon the unanimous recommendation of the Board of Public Works, if each house of the common council shall, by ordinance, find and declare by a vote of two-thirds of the members-elect of each house that the street, avenue, alley, public highway, or part thereof on which the proposed improvement is to be made is used or occupied for business purposes, and that the improvement has been unanimously recommended by the Board of Public Works, such finding and declaration shall be final and conclusive for all purposes, and no special tax bills that may be issued to pay for the work shall be held invalid or affected for the reason that the work for which they may have been issued was not unanimously recommended by the Board of Public Works, or that such street, avenue, alley, public highway or part thereof was not in fact used or occupied for business purposes, and the improvement shall proceed regardless of any remonstrance.

After the expiration of the respective periods during which an improvement may be arrested, as aforesaid, a proceeding may be begun and carried forward for the improvement so determined against or remonstrated against as though no former proceedings had been begun. If no such determination against the improvement is made, or if only a part of the proposed improvement be determined against by said board, the said board shall adopt and perfect plans and specifications for the proposed improvement not determined against, or for an improvement of the same general nature, including, if they deem proper, provisions for the maintenance thereof for a stated period, and in case a macadam or gravel street roadway pavement is provided for, there may be included as an essential part of the maintenance thereof specifications for the rolling and oiling of such pavement at intervals during a stated period.

After the passing of such resolution and the adoption of such plans and specifications, the Board of Public Works shall advertise for bids for the doing of the work by publication for not less than five days, and shall let the contract to the lowest and best bidder therefor, and shall cause the contract so let to be formally executed by the contractor and by said board on behalf of the city, and the same, before it shall be binding and effective, shall be ratified, approved and confirmed by an or-

dinance of the said city, as hereinafter specified, and when so ratified, approved and confirmed shall in all respects be considered and held to have been authorized by the city.

The Board of Public Works, at any time before any contract is so ratified, approved and confirmed, may rescind by an order entered on the records of said board, the action of said board in signing said contract in behalf of the city, and thereupon all proceedings had in relation to such proposed improvement shall be null and void. The city shall have power, by ordinance, for any good cause, to extend the time of the beginning or of the completion of the work under any such contract, and an ordinance of the city purporting to extend the time therefor, shall be conclusive evidence of the existence of good cause for such extension. But all such ordinances for extensions must have endorsed thereon the approval of the Board of Public Works; and said board shall not endorse said approval until the city engineer shall file with said board his verified certificate stating the reasons for granting such extension, and that said extension is made in good faith for the reason therein specified, and for none other.

The ordinance ratifying, approving and confirming the contract as above provided for, shall also provide for and authorize the improvement, and shall state the nature of the improvement, and this may be done by a reference to the plans and specifications therefor, and such ordinance shall state how the cost thereof shall be paid; that is, whether the cost thereof is to be paid by the issuance of special tax bills, or out of the general fund, or whether by one method or the other, in whole or in part, and if by the issuance of special tax bills, how the assessments therefor shall be made and levied. The said board shall endorse their approval on the ordinance. The common council may amend such ordinance by altering the limits of a proposed benefit district in all cases where the dimensions and boundaries of such district are not specifically defined by this charter, but may not make any other amendment, and shall pass or reject the same.

When the cost of the whole or any part of the improvements referred to in this section is to be paid by special tax bills evidencing assessments against lands, such assessments shall be made, levied and assessed according to one of the methods in this article prescribed. Such method shall be specified in the resolution of the Board of Public Works and also in the ordinance confirming the contract for doing the work. In making assessments to pay for work other than for grading or regrading, and other than for constructing district sewers and joint district sewers, the Board of Public Works shall compute

the cost thereof and apportion the same among the several tracts or parcels of land to be charged therewith, and charge each lot or parcel of land with its proper share of such cost according to the frontage of such land on the street, avenue, alley or highway, or part thereof, named in the contract for the doing of the work. In making assessments for special tax bills to pay for grading or re-grading any street, sidewalk, avenue, or public highway, or part thereof, the city assessor shall, on demand of the Board of Public Works, cause an assessment to be made of the value of all the lands to be charged with the cost of such grading or re-grading, exclusive of the improvements thereon, and shall deliver such assessment to the Board of Public Works, who shall compute the cost of such grading or re-grading and apportion such cost among the several lots or parcels of land to be charged, according to the value thereof, fixed by the city assessor as aforesaid, and charge each lot or parcel of land with its proper share of such cost.

When the work of grading or re-grading streets, avenues or public highways is to be paid for in special tax bills, the cost shall be apportioned and paid as follows: The cost of all grading, including the grading of sidewalks, shall be charged as a special tax on all lands on both sides of the street, avenue alley or public highway, or part thereof, graded, within the following limits, viz.: In case the land fronting on the street, avenue or public highway, or part thereof, graded, be laid off in lots or blocks, property so laid off from the line of the street, avenue or public highway, or part thereof, graded, back to the center line of the block or blocks, shall be so charged, whether fronting on the street, avenue or public highway or not; nevertheless, the common council shall have power by ordinance to prescribe that such lands shall not be charged beyond the alleys in such blocks, if deemed just and equitable, and in case any land fronting on such street, avenue or public highway, or part thereof, graded, be not laid off into lots or blocks, then the land not so laid off, and the land in the rear thereof on the line of the street, avenue or public highway, or part thereof, graded, back one hundred and fifty feet, shall be so charged, whether fronting on the street or not; and land liable for such grading shall be charged according to the value thereof, exclusive of improvements thereon, as herein provided; and in case of question on the part of the assessor or Board of Public Works as to whether any lands fronting on the street, avenue or public highway, or part thereof, be laid off into lots or blocks, or not, within the meaning of this section, the common council shall, on the request of the assessor or Board of Public Works, in making out special tax bills and charging the lands for such

grading, determine whether or not any particular land or lands fronting on the street, avenue, public highway, or part thereof, graded, be laid off or not into lots or blocks within the meaning of this section, and such determination shall be conclusive on all parties interested for all purposes. The cost of all work on any sidewalk, including curbing and guttering along the side thereof, exclusive of the grading of the same, shall be charged as a special tax upon the adjoining lands according to the frontage thereof on the sidewalk. The cost of all work mentioned in this section of this article done on spaces fronting on any other street, avenue, alley or public highway, shall be deemed part of the costs of work done on other spaces under the same ordinance and contract, and be charged and paid for accordingly.

In making out special tax bills against corner lots for work on sidewalks, other than grading, and for work of curbing, they shall be charged for work on both fronts and on the outside corners. A single contract may be let and entered into to do various kinds of work when payment is to be made therefor in special tax bills, and when any kind of work shall be fully completed, tax bills therefor may be issued; but in case of a general contract for repairs, as provided in Section 16 of this article, tax bills may be issued from time to time as separate jobs of repairing may be done.

SEC. 4. The Board of Public Works is invested with power to determine whether any improvement constructed under a contract with the city has been completed in accordance with the terms of the contract therefor, and to accept such improvement on the part of the city, and to determine the amount of the liquidated damages, if any, to be paid by the contractor in accordance with the terms of the contract therefor, for failure to comply with the contract, and to ascertain, in case the cost or part thereof is to be paid in special tax bills, the amount that each tract of land shall be assessed or charged for the payment of the cost of such work.

The board shall at the time of accepting any improvement on the part of the city, make an order or orders, by which they shall accept such improvement and determine the price thereof to be paid the contractor, and make and levy an assessment against the tracts of land, exclusive of improvements, to be assessed to pay therefor, the aggregate of which assessments shall equal the amount of the cost of such work to be paid in special tax bills; and said board shall issue and deliver to the contractor, or to his assignee, tax bills to be dated the day when such tax bills and apportionment are certified to the city treas-

urer in payment of the price of such improvement to be paid for by special tax bills.

SEC. 5. The general sewer system of the city shall be divided into four classes, to-wit: Public, district, joint district and private sewers. The city may, by ordinance, find and determine the class to which any sewer belongs, and the finding and determination of the city in that respect shall be final and conclusive.

SEC. 6. Public sewers shall be established and constructed at such times, to such extent, and of such dimensions and materials as may be approved by the Board of Public Works, and under such regulations as may be provided by ordinance, and these may be extensions or branches of sewers already constructed, or to be constructed, or entirely new throughout, as may be deemed expedient. Public sewers shall be paid for out of the general fund of the city; provided, however, that if in the construction of any public, district, or joint district sewer the bed or channel of any natural stream or water course is reclaimed and made valuable to the owners thereof, or real property subject to overflow is reclaimed therefrom, in whole or in part, and made valuable to the owners thereof, or real property adjoining such public sewer is otherwise specially benefited, then the common council may provide that such real property, or any of it, shall be assessed for such special benefits, and the funds derived therefrom shall be used and applied toward the cost and construction of such public, district or joint district sewer. Such proceeding and assessment may be made and collected in such manner as may be provided by ordinance.

SEC. 7. District sewers shall be constructed or reconstructed within the limits of the districts heretofore or hereafter established by ordinance, as the case may be. Any sewer district heretofore or hereafter established may be subdivided, enlarged or changed by ordinance at any time previous to the construction of any district sewer therein. But no such district shall be subdivided, enlarged or changed after a district sewer shall have been constructed therein. The city may, with the approval of the Board of Public Works, from time to time, cause a district sewer or sewers to be constructed or reconstructed in any sewer district heretofore or hereafter established, and such sewer or sewers shall be as shall be prescribed by the Board of Public Works and confirmed as herein required by ordinance. Any district sewer heretofore or hereafter constructed, may be changed, diminished, enlarged or extended, and shall have such laterals, inlets and other appurte-

nances as may be prescribed by the Board of Public Works and confirmed by ordinance. As soon as the work of constructing, changing, diminishing, enlarging or extending any district sewer shall have been completed under a contract let for the purpose, the Board of Public Works shall compute the whole cost thereof, and apportion and charge the same as a special tax against the lots of land in the district, exclusive of the improvements, and in the proportion that their respective areas bear to the area of the whole district, exclusive of the streets, avenues, alleys and public highways, and shall, except as in this article provided, make out and certify in favor of the contractor or contractors to be paid, special tax bills for the amount of the special tax against each lot or parcel of land in the district. The city shall in no event, nor in any manner whatever, be liable for or on account of the cost of work done in constructing, changing, diminishing, enlarging or extending any district sewer, except as in this article provided.

SEC. 8. Whenever the city may deem it necessary that a sewer should be constructed or reconstructed in any part of the city containing two or more sewer districts it may, by ordinance, unite such sewer districts into a joint sewer district and cause a sewer to be constructed therein in like manner in all respects as is provided in Section seven (7) of this article in cases of district sewers; except in cases of joint district sewers the city may, if deemed proper, provide in the ordinance creating such joint district sewer that the city shall pay a certain sum to be specified in said ordinance, toward the payment of the cost of such joint district sewer; and should the common council, by ordinance, unite two or more sewer districts into a joint sewer district for the purpose of constructing a joint district sewer therein, the action of the common council shall be conclusive for all purposes, and no special tax bills shall be held invalid or be affected on account of the included drainage area thereof, or the size, character and purpose of such sewer; provided, however, that no sewer district shall be included in such joint district which is not included in the natural drainage area of the valley or water course in which the joint district sewer is proposed to be constructed. The contract for the construction of such sewer shall specify that the city shall be liable for the sum so specified to be paid by the city, and that the remainder of the cost thereof shall be paid in special tax bills, to be issued in any manner that is or may be provided for the issuing of tax bills for the construction of sewers.

SEC. 9. Private sewers may be constructed under such regulations, specifications and restrictions as may be provided by

the board of public works, but the city shall be at no expense in the construction or repairing of the same. Whenever land outside of the city limits is occupied, the board of public works may allow such property to be connected with a sewer inside the city limits under such regulations and upon such compensation as it may determine, and all such compensation shall be expended only for the benefit of the district or districts which have contributed to the cost of the sewer with which such connection shall have been made.

SEC. 10. Whenever the city shall deem it necessary it may, by ordinance, provide for the construction within or without the limits of the city for septic sewer tanks or other sewer reduction devices for the purpose of purifying the discharge from any public, district or joint district sewer, or outlet thereof; the cost of such septic sewer tanks or devices may be paid for in part or in whole out of the general fund, or in case of a district or joint district sewer, or outlet therefor, in part or in whole, in special tax bills, as a part of the cost of constructing or extending the district or joint district sewer, or outlet therefor, as may be designated by ordinance providing therefor.

In grading or constructing any street, avenue, boulevard, alley or public highway, or part thereof, the work may be protected from running or surface water by drains or culverts upon the order of the board of public works, or by the board of park commissioners, as the case may be, as may be provided by ordinance, and the same may be closed, removed, or altered at will.

SEC. 11. All special tax bills provided for by this charter, shall be made out in favor of the contractor to be paid, or his assignee, or to the city, as the case may be, and shall be certified by the president of the board of public works, or in his name, by any person or persons by the said board thereto authorized by resolution recorded on the records of said board; and said board shall deliver such tax bills to the party in whose favor made out, or his assignee, and take the receipt of such party therefor in full of all claims against the city on account of the work for which such tax bills have been made out.

SEC. 12. All computations, apportionments or assessments required by this article to be made by the board of public works shall be held to be properly made when the same are approved by said board.

SEC. 13. After any contract for a public improvement has become binding upon the parties thereto, the city shall have

power, without regard to whether the cost of the improvement contracted for is to be paid out of the general fund or in special tax bills, to provide by ordinance on recommendation of the board of public works that a certain part of the improvement contracted for may be omitted and that the contract for the improvement be modified to that extent, which ordinance shall provide a reasonable deduction in the price of the improvement by reason of such omission, but no such ordinance shall be approved by the Mayor or become a law until the contractor and his sureties consent in writing to the terms of such ordinance. Such omission shall not affect the validity of the assessments or the special tax bills issued for the work actually performed.

SEC. 14. The city is hereby authorized, by ordinance to provide, that the board of public works may construct or reconstruct the paving, sidewalks, guttering, or curbing, or may maintain and repair the same, or may grade or regrade any portion of a street, avenue, alley or other public highway, within the city, without letting a contract for the same. In case of gravel or macadem roadway, maintenance and repair as used in this section, may include rolling and oiling the street. A resolution shall be adopted and published, as provided in section three of this article, and the provisions of section three of this article shall apply so far as the same may be applicable. The cost of said work may be assessed according to the method provided in this article applicable to the class of improvement made, and the assessments therefor may be made payable as provided in section twenty-four hereof, or in installments as provided in section twenty-five hereof, and shall bear the same rate of interest prescribed in the respective cases. The city is authorized to cause the issue of special tax bills for such work in favor of Kansas City, the same as if such work had been done by contract, and may authorize the city comptroller to sell and assign such assessments of such special tax bills without recourse, upon such terms and in such manner as may be provided by ordinance, and when such sale is made, the city comptroller shall assign and deliver said tax bills to the purchaser of the same. The city is hereby authorized to acquire such plant, machinery, and equipment and to purchase such materials as may be necessary to perform the work specified in this section.

SEC. 15. When any sidewalk, curb or gutter on any street or avenue is out of repair, the board of public works may cause the same to be put in good and substantial repair and pay the cost thereof out of the fund apportioned to said board, and shall keep an accurate account of the cost of making such repairs in front of and adjacent to each tract of land; and shall, at the

end of each fiscal year, assess and charge against the tract of land in front of which any and all such repairs shall have been made during such fiscal year, the cost thereof, and shall certify to the city comptroller the cost of the repairs made in front of and adjacent to each tract of land fronting or abutting upon the sides of the street or avenue on which such repairs were made, giving a description of each tract of land so charged, with sufficient accuracy to identify the same, and the amount of the assessment against the same, and thereupon the city comptroller shall place the amount so charged on the land tax book for the next fiscal year, which assessment shall be a lien upon the property so charged from the date of the receipt of such land tax book by the city treasurer, which assessment shall be subject to the same penalties and shall be collected by the City Treasurer in the same manner as general taxes are collected, except that no rebate shall be deducted or allowed from said assessments in case the same are paid before the time fixed in this charter when general city taxes become due.

And such assessments shall become delinquent and bear the same rate of interest and penalties and in default of payment of such assessments against any tract of land, a sale thereof shall be made by the same officers and with the same powers and in similar manner and on similar notice and at such times, as though such assessment was a duly assessed and levied general city tax against real estate; and all provisions of this charter relative to the redemption, sale and conveyance of lands for city taxes and the rights of purchasers thereof, and the powers of city officers shall apply so far as applicable to the redemption, sale and conveyance of lands to enforce the collection of such assessment. Such assessments when collected by the City Treasurer, shall be credited to the fund from which the money was paid by said board.

SEC. 16. The city may cause the driveway portions of any street, avenue, alley, public highway, or part thereof, to be maintained and kept in repair, and may contract therefor for a period of time not to exceed three years, and pay therefor out of the general fund, or by issuing special tax bills as herein provided. When it is proposed to pay for such work by the issue of special tax bills a proceeding therefor shall be begun and conducted to a final conclusion, from the adoption of a resolution therefor to the acceptance and payment of the cost of the work by the issuance and collection of special tax bills in the same manner as is provided in regard to similar improvements mentioned in section three of this article. In case the highway to be maintained and repaired is a macadem or gravel roadway, the specifications therefor may include the rolling and oiling of such street at

intervals as an essential part of the maintenance and repair thereof. The cost of such work, when not to be paid for out of the general fund, shall be assessed and levied against the tracts of land abutting on the highway or part thereof required by the contract to be maintained or repaired according to the frontage of the property on the highway or part thereof, named in the contract for doing the work, and tax bills shall be issued against each tract of land for its proportionate share of the cost, which tax bills, unless otherwise provided by ordinance, shall be issued within sixty days after the end of each calendar year during the continuance of such contract as payment in full for all work done under the contract during such calendar year, and shall be payable within thirty days after the date of issue thereof without interest, and if not so paid, shall bear interest at the rate of seven per cent per annum for the first year, and eight per cent per annum thereafter until paid. Every such tax bill shall be a lien on the lands against which it is issued, and the provisions of this article relating to special tax bills, except the section relating to special tax bills, payable in installments, shall so far as applicable, and not in conflict with the provisions herein contained, apply to tax bills issued under this section.

SEC. 17. Any notice, advertisement, or publication required by this charter to be published, shall be held to be well given, made and published, when the same is published for the required number of days in the newspaper doing the city printing on the day of the first publication of said notice. In computing the number of days during which the publication is made, Sundays and legal holidays and all calendar days between the first and last publication, shall be included and counted whether or not the paper is published on such days.

SEC. 18. Unless otherwise heretofore or hereafter specifically provided by ordinance, the width of every sidewalk, including the top of curb, shall be one-fifth of the entire width of the street or avenue of which it is a part, and on each side of every street or avenue in the city a sidewalk of that width is hereby established. The one-third of that width adjoining the curb line between such line and the property line on all sidewalks hereafter improved, unless differently provided by ordinance, shall be used as a tree planting area. But the city may, by ordinance, establish a different width of sidewalk on any highway at any time and may, by ordinance, designate the character and extent of the use and improvement of any and all sidewalks.

Provided, however, that should any territory be added to the corporate limits of the city subsequently to the time when this charter takes effect, the width of the roadway in every street

or avenue in such added territory shall be twenty-six (26) feet, being thirteen (13) feet on each side of the center line of every such street or avenue. The remaining portion of every such street or avenue shall be sidewalk, including the width of the curb. But a roadway of different width may be established at any time by ordinance on any street or avenue in the territory so added to the city.

SEC. 19. Contracts for making city improvements on streets, sidewalks, avenues or alleys or for constructing sewers, let to the lowest and best bidder, shall contain a covenant on the part of the contractor or contractors with the city, to pay for the work and labor of all laborers, subcontractors, and teamsters, teams and wagons employed on the job, and for all materials used therein, and performance of such covenant shall be guaranteed by good and sufficient sureties signing the contract, whose sufficiency shall be approved by the city comptroller, but who shall not be liable beyond the estimated cost of the materials used and the labor done upon the job, to be stated in the contract; provided, that the city shall not be liable for the sufficiency of the contractors or sureties, nor for any failure to comply with or irregularity in complying with this provision. Laborers, subcontractors and teamsters and owners of teams and wagons who may do work, and parties who may furnish materials stipulated for by any such contract, may recover in an action in the name of the city for their use (in which no cost shall be adjudged against the city, and all costs not adjudged against the defendant shall be adjudged according to equity against the persons for whose use the suit may be prosecuted), all money due them for labor and materials, or either, not exceeding the estimated cost of the labor and materials as stated in the contract; and such recovery may be had against the contractor and sureties, or either, as in chancery; but it shall not be necessary to file with the petition the original contract. Suit may be brought for the benefit of all laborers, subcontractors, teamsters and owners of teams and wagons on the job, and for materials used in the performance thereof, and the amount due them to be ascertained by the court or referee, unless the court direct an issue to be tried by a jury; pending the suit, laborers, subcontractors, teamsters and owners of teams and wagons, and parties who have furnished materials for the performance of the contract, not mentioned in the petition, whether they have done work or furnished materials before or after the commencement of the suit, may become parties to the proceedings by appearing and filing in the action a written statement of their demand. Such notice thereof as the court may direct shall be given to the defendants, and reasonable opportunity to defend shall be given. The pre-

ceedings shall, as far as practicable, be governed by the rules and principles of courts of chancery, so as to afford speedy and adequate relief according to the spirit and letter of this section. Judgments shall be rendered for the estimated cost of labor and materials as stated in the contract, and execution shall be awarded and issued for the aggregate amount found due the laborers, subcontractors, teamsters and owners of teams and wagons, and the parties who have furnished materials, not exceeding the estimated cost in the contract, which shall be collected, with costs. The money shall, after paying costs, be divided and paid *pro rata* among those for whose use the judgment may be rendered. The court shall decide all questions as to distribution summarily on motion. No action shall be brought or prosecuted for the benefit of laborers, subcontractors, teamsters or owners of teams and wagons, or parties who have furnished materials on the contract, unless the suit be commenced within three months after the completion of the work to be done under the contract and acceptance thereof by the city, nor shall such action be brought before such completion and acceptance, unless the court find good cause therefor according to the averments in the petition. Suits shall be brought in some court of competent jurisdiction in Jackson county, if jurisdiction of the proper parties can be obtained in the county.

SEC. 20. The provision of section twenty-nine (29) of article four (IV) of this charter with reference to sureties and bonds shall apply to any bond or contract provided for in this article.

SEC. 21. Whenever a remonstrance of property owners against public improvements purporting to be executed under the authority of this charter is filed with the board of public works, the board shall canvass the same and determine and certify whether or not such remonstrance is legally sufficient under the requirements of this charter, and such certificate shall be final and conclusive as to the legal sufficiency of such remonstrance, and the determination of the said board that no legal remonstrance has been filed shall be conclusive of that fact.

SEC. 22. As soon as the cost of any work, payable in special tax bills, as in this article provided, has been assessed against the several tracts of land chargeable therewith, the board of public works shall, at the time of delivering the tax bills to the contractor, or his assignee, entitled thereto, certify such apportionment and assessment to the City Treasurer, which apportionment shall contain the names of the owners and parties in-

interested in the several tracts of land affected and charged therewith who were such at the date when the work was accepted by the said board, such names to be determined and taken from the city assessor's books at the time; but no defect or mistake in said books, or in the description therein of the parcels of land, or in the names in such apportionment, shall impair or affect the validity of the tax bills. The city treasurer shall, immediately upon the receipt of such apportionment, enter the assessments therein contained in appropriate books to be kept for that purpose, showing the property assessed, the title and date of approval of the ordinance providing for the improvement for which such tax bills are issued, the amount and date of the assessment and the rate of interest thereon, which book shall be denominated, "Special Tax Record."

Immediately upon receipt of such apportionment, the City Treasurer shall give notice, by mail or otherwise, as provided by ordinance, to the parties named in such apportionment, of the issuance of the tax bills against the tract of land in which they appear to be interested as appears by such apportionment, describing such tract of land, and stating in general terms for what purpose issued, the amount, rate of interest, and when and where payable. Any person owning or interested in any tract of land against which a special tax bill may be issued under the provisions of this charter, may pay the same to the City Treasurer, whose duty it shall be to receive the amount thereof, without charge or commission, and to issue to such person duplicate receipts therefor, showing from whom received, the date, the amount of such tax bill, with a description of the land as described in such bill; the original of such receipt shall be countersigned by the Auditor, and delivered to the person entitled thereto; the duplicate thereof shall be filed by the Auditor in his office, and he shall enter a memorandum thereof in a book kept for that purpose. The City Treasurer shall cancel and mark "paid" the amount of such tax bill so paid, on the record thereof, and such entry shall be evidence of the payment as stated, and said tract of land shall be discharged from all liens on account of such tax bill so paid from that. The person to whom any such tax bill may be issued, or the assignee thereof shall be entitled to receive on demand the money so paid to the City Treasurer only on delivery to the City Auditor of such special tax bill, duly receipted in full, who shall file the same in his office and draw a warrant upon the City Treasurer in favor of the party so entitled to receive the same, for the amount so paid to the City Treasurer on account of such special tax bill, which warrant, before it shall be paid, shall be countersigned by the Comptroller.

SEC. 23. The special tax record to be kept by the Treasurer

shall be complete and full and show all special tax bills, if any, issued under this charter, and all benefit assessments arising out of condemnation and grading cases made under the provisions of articles six (VI) and seven (VII) respectively, of this charter, which may be in his hands for collection against any lot or parcel of land in Kansas City. Any and all special assessments therein contained, whether arising out of the issuance of special tax bills, as in this article provided, or by virtue of the verdict or report of juries or commissioners in such condemnation or grading proceedings, respectively, shall be considered for the purpose of collecting and receiving payment thereof, as special taxes against any lot or parcel of land against which the same may be a lien, and upon application to the City Treasurer for the amount of general city taxes against any lot or parcel of land in Kansas City, said treasurer shall also furnish to the party making such application, a list of all special tax bills and such benefit assessments against such lot or parcel of land as appear by said record at that time. The Common Council may, by ordinance, consistent with the provisions of this charter, further regulate the keeping of the records, by the City Treasurer, of special tax bills and benefit assessments against private property, arising out of the provisions of articles six (VI) and seven (VII) of this charter, and the collection of such assessments by execution and sale of the private property against which the same may be a lien.

Failure to comply with the provisions of this and the next preceding section of this article shall not vitiate or impair any tax bill. Nor shall the execution of the provisions of this and said next preceding section, or failure or defect in executing the provisions of said two sections impair or vitiate the general city taxes on any lot or parcel of land.

SEC. 24. Every special tax bill may be paid to the owner or holder thereof, and upon presentation of such tax bill marked "paid" to the city treasurer, he shall cancel and mark "paid" the amount of such tax bill on the record thereof, which entry when made, shall have the same effect to discharge the tract of land affected by such tax bill from the lien thereof, as if the amount of such tax bill had been paid to the City Treasurer as in section twenty-two of this article provided, and such entry shall be evidence of the payment of the tax bill as therein stated. Every special tax bill issued under the provisions of this article shall be a lien upon the land described therein upon the date of the certification thereof to the City Treasurer, as in this article provided, and such lien shall continue for two years thereafter, but no longer, except as in this article otherwise provided, unless suit shall be brought to collect the same within two years from

the date of said certification, in which case the lien shall continue until the determination of the legal proceedings to collect the same, including any sale of the property charged; provided, however, that if such suit shall be brought within the two years, the plaintiff or plaintiffs therein shall within ten days after the bringing of such suit, in person or by attorney or agent, file in the office of the City Treasurer a written statement giving a brief description of the tax bill sued on, and in what court and against whom such suit shall have been brought. The City Treasurer shall immediately after the filing of any statement, note on the record of such tax bill the time of filing such statement and the substance of the same. If the plaintiff or plaintiffs in such suit shall fail to file such statement within the time above limited, the land described in the tax bill sued on shall be free from the lien of the tax bill and of any judgment in such suit, no matter when rendered, and shall not be sold in satisfaction of any such judgment; provided, however, that failure to file said notice shall not affect or invalidate said lien or judgment as to the interest of persons made parties to such suit and served with process in said suit. Every special tax bill if paid within thirty days from the date of said certification thereof, shall bear no interest; if not paid within such time, shall bear interest from the date of the certification thereof at the rate of seven per cent per annum. No tax bill need give the name of any party owning or interested in the land charged thereby; and before suit, the owner of any part in severalty, or of any undivided interest, in the land charged by any tax bill, may pay his share separately, in which case his part or interest shall not be liable in case of suit. Such tax bills shall be issued within twenty days from the completion and acceptance of the work, but the failure to issue them within such time shall not affect the validity of the tax bills. All or any of the owners of the land charged, or of any interest or estate therein, may be made defendants in any suit upon a tax bill and the right, title interest or estate of the parties made defendants in any such suit shall be bound thereby, and the owners of the land as shown by the records in the office of the recorder of deeds for Jackson County, Missouri, and by the records of the courts of record having jurisdiction in Kansas City shall be conclusively held to be the owners thereof for the purpose of foreclosing such liens, and all suits on special tax bills may be brought in the names of the owners or assignees thereof.

In case any owner of land or interest therein shall be unknown, or a nonresident of the state, suit may be brought against such owner separately or together with others, and such unknown or nonresident owner may be proceeded against and charged by giving notice, either by publication in a newspaper

or otherwise as in a suit in the Circuit Court of Jackson County, to enforce any other lien on land in the county. Every such tax bill and lien thereof shall be assignable and the assignee thereof may sue in his own name. It shall be sufficient for the plaintiff in any suit to plead the making and issuance of the tax bill sued on, giving the date and contents thereof, and the assignment thereof, if any, and to allege that the parties or party made defendants own or claim to own the land charged or some estate or interest therein, as the case may be, and to file the tax bill in the suit, or to set out a copy thereof in the petition. Special tax bills, whether issued pursuant to one or more contracts or against one or more parcels of land owned by the same party or parties made defendant, may be joined in one suit, but a separate judgment on each tax bill shall be rendered and execution shall be issued accordingly. The ordinance authorizing any public improvement and the contract therefor, and approving and confirming such contract, shall operate and shall be held by all departments and courts, to cure all errors and irregularities, if any, on the part of the city in the proceedings relating to such improvements, up to and including the time such ordinance takes effect, and no tax bill shall be defeated, or the amount or lien thereof, in anywise be affected, by reason of any such error or irregularity. Every tax bill shall, in any suit thereon, be *prima facie* evidence of the validity of the bill, of the doing of the work and of the furnishing of the material charged for and of the liability of the land to the charges stated in the tax bill. Provided, that nothing in this section shall be so construed as to prevent any defendant from pleading and proving in reduction of any bill, any mistake or error in the amount thereof, or that the work therein mentioned was not done in a good and workmanlike manner; and Provided, further, that if any party shall plead any mistake or error in the amount of the bill or that the work was not done in a workmanlike manner, and that such party before the commencement of the suit, tendered to the contractor, or holder of the bill, the full value of the work done, and shall establish the same on the trial, the recovery shall only be for the amount so tendered and judgment for costs shall be rendered against the plaintiff. Provided, further, that if it shall be pleaded and proved that the work for which the bill was issued was not done according to the terms of the contract made by the contractor with the city, then the plaintiff or plaintiffs shall recover thereon only the actual value of the work done, if of any value, and if not of any value, the judgment shall be for the defendant. No suit on any tax bill shall be defeated or affected by any irregularity affecting any other bill, or matter rendering any other bill invalid in whole or in part.

In a suit on any special tax bill except as in this article otherwise provided, judgment shall be special that the plaintiff shall recover the amount found due, including interest, together with costs, to be levied and made off of the land described in the tax bill, and a special execution shall issue to sell the land to pay any such judgment, interest and costs. The judgment, exclusive of costs, shall bear interest at the same rate as the tax bill. Suits on special tax bills issued under this article may be brought in any court of competent jurisdiction. When the amount due on any tax bill shall not exceed three hundred dollars, suit may be brought thereon in the circuit court of Jackson County, or in the municipal court of Kansas City, but to enforce any judgment rendered by said municipal court, a transcript of the judgment shall be filed in the office of the clerk of the circuit court of Jackson County, in said city, and duly docketed, recorded and indexed as a judgment of that court; whereupon, a special execution may issue out of that court the same as if the judgment had been rendered in that court. Upon sales made by the sheriff upon any such special executions, he shall issue to the purchaser a certificate of purchase, setting forth the substance of such special execution, the date of sale, the purchaser, the property sold, and the amount bid. If the property so sold be redeemed within one year from the date of such sale by payment to the sheriff of the amount due on said judgment, including interest and costs up to the date of redemption by the owner of, or party interested in, said property, no deed shall be given by the sheriff. Upon such redemption as herein provided of any tract of land sold under such special execution, the judgment against the same and the lien thereon shall be satisfied on the record of such judgment in the office of the clerk of the circuit court aforesaid by said clerk upon presentation of the receipt of the sheriff for the amount necessary for the redemption. If the tract of land so sold be not redeemed, as herein provided, a deed shall be given at the end of one year from the date of said sale by the sheriff to the holder of such certificate. Such deed may be given to the original holder of such certificate or his assignee, and shall vest all the right, title, interest and estate in the land so sold that defendants, and each of them, owned at the time that the lien of the tax bill commenced, or acquired afterwards and every such special judgment as herein provided, shall bind all the right, title, interest and estate in the land that defendants, and each of them, owned at the time that the lien of the tax bill commenced, or acquired afterwards. Parties interested in lands not made defendants shall not be affected thereby, and if they claim through or under any party defendant by right acquired before such suit was brought may redeem from the purchaser or otherwise assert their rights ac-

ording to equity and good conscience. Proceedings on special executions on judgments on special tax bills shall, except as herein provided, including the making of deeds to purchasers, conform as far as practicable to proceedings on other special executions from the circuit court. Such certificate of purchase shall be delivered by the sheriff to the purchaser, or his assignee on the payment of the amount bid, which certificate shall be executed and acknowledged by such sheriff before an officer authorized to take acknowledgments of instruments affecting real estate, and shall be filed for record in the office of the recorder of deeds of Jackson County, at Kansas City, within six months after the date of the same. In case the owner of any undivided interest or particular estate in any land charged, be compelled by suit to pay on account of any such tax bill more than he ought equitably to pay as between him and others interested in the land, such owner so paying shall be subrogated to the lien of such tax bill, and may, by proper proceedings in any court of competent jurisdiction, enforce such lien and have the equities between such owner so paying and other parties interested in the land adjusted, though such other parties were not parties defendant to the original suit on the tax bill, and though such subsequent proceedings may be commenced after two years from the issue of the tax bill, and the lien of the tax bill shall continue after the two years for the purpose of such remedy, or the owner so paying shall be entitled to contribution from others according to equity without enforcing the lien.

SEC. 25. The common council may, by ordinance, provide that the special tax bills to be issued in payment for improvements mentioned in section three of this article shall be made payable in four equal installments, and such tax bills when issued shall be payable and collectible as follows: The first installment shall become due and collectible on the thirtieth day of June next succeeding the date of certification to the treasurer of the tax bills, provided, that if such period is less than thirty days after the date of said certification of the tax bills, then the first installment shall become due and collectible on the thirtieth day of June of the next year; the second installment shall become due and collectible in one year, the third installment in two years, and the fourth installment in three years, after the first installment is due and collectible as above mentioned; provided, however, that the owner of the property charged with the payment of such tax bills, or the owner of any interest therein, shall have the privilege of paying the same in full at any time before the expiration of thirty days from the date of said certification; and provided, further, that the owner of the property charged with the payment of such tax bills, or

the owner of any interest therein, shall have the privilege of paying such tax bills in full at any time by paying interest thereon to a period ninety days after the date of such payment, unless such payment is made within less than ninety days of the maturity of the next installment, and then by paying interest thereon to the date when the next installment becomes due and payable. Such tax bills, including each installment thereof, if not paid in full before the expiration of thirty days from the date when their apportionment and assessment is certified to the City Treasurer, shall bear interest from the date of said certification at the rate of seven per cent per annum, and when any installment becomes due and collectible, as herein provided, interest thereon and on all unpaid installments shall be due and collectible to that date. If any installment of any such tax bills be not paid when due, then all the unpaid installments shall immediately become due and collectible, together with interest thereon at the rate of eight per cent per annum from the date on which interest has already been paid on said installments. The lien of all tax bills issued under this section shall continue for a period of one year after the date the last installment matures as expressed upon its face, and no longer, unless within such year suit shall have been instituted to collect such tax bill, and unless within ten days after the institution of such suit, notice of the bringing of such suit shall have been filed with the city treasurer as provided as to other tax bills, in which case the lien of such tax bill shall continue until the termination of such suit and until the sale of the property under execution of the judgment establishing the same, and no default in the payment of any interest or any installment shall operate to diminish the period during which such lien shall continue, or during which suit may be brought. Such tax bills and liens thereof shall be assignable and shall be of the same force and effect, and suits may be brought thereon in the same manner as on other tax bills issued by the city, and all other provisions relating to special tax bills issued pursuant to the authority given in this article shall apply to those issued under this section, excepting so far only as the other provisions of this article conflict with those contained in this section.

SEC. 26. When the city shall own any tract of land, or hold the title to any land not used as a street, avenue, boulevard, alley, or public highway, which if owned by a private person would be liable to assessment for benefits to pay for any public improvement mentioned in this article, an assessment shall be made against such land, and a special tax bill issued as though such land were the property of a private person, and the city shall pay the amount of that assessment as evidenced by the

special tax bill out of the general fund. Suits shall be instituted to enforce the collection of any such tax bill in the same manner and in the same courts as on other tax bills, and the judgment in any such suit shall be a personal judgment against the city for the amount due on such tax bill, which judgment may be enforced as other judgments against the city, and no such land of the city shall be sold under any such judgment. And no other proceedings or official action on the part of Kansas City shall be necessary in a proceeding for a public improvement in which land owned by the city may be assessed with benefits therefor than though such land had been owned by a private person.

And whenever any land liable to be assessed with special benefits to pay for any public improvement mentioned in this charter shall be owned by a railroad corporation, cemetery association, county, school district, or any other public or quasi-public corporation, or by any corporation, association, society, person or trustee, such land shall be assessed and a special tax bill issued to evidence the same in the same manner as though the same were the property of a private person, and if a sale of such land to enforce such assessment in contrary to the public policy or the laws of this State, then the amount of such assessment as may be evidenced by the special tax bill shall be paid by such railroad, corporation, cemetery association, school district, county or other public or quasi-public corporation, association, society, person or trustee. Suits shall be instituted to enforce the collection of any such tax bills in the same manner and in the same courts as on other tax bills, and the judgment in any such suit, if for the plaintiff, shall be a personal one against the owner of the land assessed, for the amount due on such tax bill; but no such judgment shall be rendered in any such suit for an amount greater than the value of the land so assessed; and the defendant or defendants in any such suit may, by appropriate pleading, raise the issue of the value of the land so assessed and when that issue is raised the judgment, if any, shall be enforced as other judgments against the judgment debtor, but no such lands shall be sold under such judgments.

SEC. 27. Whenever the city, by a valid ordinance, shall have authorized the making of any public improvement to be paid for in special tax bills and shall have entered into a valid contract for such improvement, and shall have attempted to levy an assessment or issue a special tax bill to pay the cost thereof, and said contract shall have been faithfully and fully performed by the contractor, and it shall be made to appear by a judgment of a court of competent jurisdiction or otherwise, that the lien of such assessment or part thereof, or of any or all tax

bills evidencing the same, is invalid by reason of any omission, irregularity, defect or invalidity in the acts or proceedings of any of the municipal authorities of the city relating thereto, the board of public works may, at any time within one year after the original issue of the tax bills, reassess any or all of the tracts of land subject to assessment to pay the cost of such improvement, according to the method of assessment, and in the same manner and with the same effect and evidence the same by like tax bills as is provided in this article for such assessments in the first instance.

SEC. 28. When in grading or regrading any street, avenue, highway, or part thereof, a very large or unusual amount of filling in or cutting or grading away of earth or rock be necessary, necessitating an expense of such magnitude as to impose too heavy a burden on the land situate in the benefit district as limited in section three of this article, and when in grading or regrading, constructing or reconstructing any street, avenue, highway or part thereof, one or more bridges, viaducts, tunnels, subways, cuts or approaches on, along, over or under the same is or are required or needed, the cost of grading or regrading such street, avenue, highway, or part thereof, including the cost of constructing or reconstructing such bridges, viaducts, tunnels, subways and approaches, or any of them, may be charged as a special tax on parcels of land (exclusive of improvements) benefited thereby, after deducting the portion of the whole cost, if any, which the city may pay, and in proportion to the benefits accruing to the said several parcels of land, exclusive of improvements thereon, and not exceeding the amount of said benefit, said benefits to be determined by the board of public works as hereinafter provided, and the limits within which parcels of land are benefited shall in all such specified instances be prescribed and determined by ordinance. If the common council shall find and declare in the ordinance providing for the doing of the work above described that a very large or unusual amount of filling in or cutting or grading away of earth or rock be necessary, necessitating an expense of such magnitude as to impose too heavy a burden on the land situated in the benefit district as limited in section three of this article, or that in grading or regrading, constructing or reconstructing any street, avenue, highway, or part thereof, one or more bridges, viaducts, tunnels, subways, cuts or approaches on, along, over or under the same is, or are required or needed, necessitating a large or unusual expense as hereinbefore specified, the said finding and declaration in said ordinance shall be final and conclusive as to all such matters.

The public work described as above shall be provided for by ordinance, and the city may provide that after the passage of the ordinance and after an approximate estimate of the cost of the work shall have been made by the board of public works, the city shall file a proceeding in the circuit court of Jackson County, Missouri, in the name of the city, against the respective owners of land chargeable under the provisions of this section with the cost of such work. In such proceeding the city shall allege the passage and approval of the ordinance providing for the work, and the approximate estimate of the cost of said work; and shall define and set forth the limits of the benefit district, prescribed by the ordinance, within which it is proposed to assess property for the payment of said work. The prayer of the petition shall be that the court find and determine the validity of said ordinance, and the question of whether or not the respective tracts of land within said benefit district shall be charged with the lien of said work in the manner provided by said ordinance.

Service of process in such proceeding shall be governed by the provisions of section eleven (11) of article thirteen (XIII) of this charter, relating to service of notice and summons in proceedings for the ascertainment of benefits and damages for the condemnation of lands for parks and boulevards. In such proceedings, the city shall have the right to offer evidence tending to prove the validity of said ordinance, and said proposed lien against the respective lots, tracts and parcels of land within said benefit district sought to be charged with such lien; and the respective owners of lots, tracts and parcels of land within said benefit district shall have the right to introduce evidence tending to show the invalidity or lack of legality of said ordinance, and said proposed lien against the respective lots, tracts and parcels of land owned by each respective defendant; and the court shall have the right to determine the question of whether or not the said lots, tracts and parcels of land owned by each defendant should be charged with such lien.

The trial of such proceedings shall be in accordance with the constitution and laws of the State, and the court shall render judgment either validating such ordinance, and proposed lien against the lots, tracts and parcels of land within said benefit district or against such lots, tracts, or parcels of land as the court may find legally chargeable with the same, or the court may render judgment that such ordinance or proposed lien are, in whole or in part, invalid and illegal.

Any appeal taken from such judgment must be taken within ten days after the rendition of such judgment, or if a motion for new trial be filed therein, then within ten days after such

motion may be overruled or otherwise disposed of; but in all other respects the rules covering such appeal shall be the same as provided by section eightetn (18) of article thirteen (XIII) of this charter.

If no appeal shall be taken, or after the determination of such appeal, the city may enter into a contract with the successful bidder to whom such work may be let; and, after the work under such contract shall have been fully completed, the estimate of the cost thereof, and the apportionment of the same against the various lots, tracts and parcels of land within the benefit district, shall be made by the board of public works according to the assessed value thereof, exclusive of improvements, with the assistance of the city assessor as provided in section three of this article, and all of the provisions of section three of this article relating to the apportionment of special assessments, and the levy, issue and collection of special tax bills as in grading proceedings as in said section specified, shall apply as far as applicable to special tax bills issued pursuant to this section, except that said tax bills may be made payable in not to exceed ten annual installments; the number of installments, and the time when payable to be determined by the Common Council on the recommendation of the board of public works, such determination to be specified in the ordinance of the Common Council in which said work is authorized and the proceedings therefor instituted.

Nothing in this section stated shall in anywise affect, modify or change the provisions of the previous sections of this article, or in any manner affect or change the proceedings therein set forth for the doing of public work and the payment therefor by the issue of special tax bills; the intention of this section being to provide an independent and separate method of public improvements made under the provisions of this section.

ARTICLE IX.

Vacating Highways and Public Places.

SEC. 1. The city shall have exclusive control of all its public highways, streets, avenues, alleys and public places, and shall have exclusive power to vacate or abandon any public highway, street, avenue, alley or public place, or any part thereof, and to vacate any platted addition or subdivision of land or part thereof within the corporate boundaries of the city, provided that no such vacation or abandonment shall take place except by ordinance.

SEC. 2. Any person or corporation owning any property fronting on any public highway, street, avenue, alley or public place or part thereof, proposed to be vacated, may petition the Common Council therefor. Such petition must give a distinct description of the part of the public highway, street, avenue, alley or public place sought to be vacated, and also the names of the persons or corporations owning or claiming the property fronting thereon and be verified by affidavit. Said petition shall be filed with the city clerk at least twenty days previous to any action being taken thereon by the Common Council, and notice of the pendency of such petition shall be given for the same length of time in the newspaper then doing the city printing. The person or corporation seeking such vacation, shall, at the time of filing the petition for vacation, deposit with the city Comptroller a sum sufficient, in the opinion of the Comptroller, to cover all costs and expenses which the city may incur by reason of said proceedings.

SEC. 3. If opposition be made in writing to such petition within said twenty days by any person or corporation interested in the vacation of such property, no action shall be taken by the common council on such petition before the expiration of an additional twenty days. Subject to the provisions of this article, the Common Council may, by ordinance, vacate the property mentioned and described in said petition aforesaid with such restrictions as it may deem for the public good; but no such ordinance shall be passed unless the consent, in writing, of the persons or corporations owning three-fourths of the front feet of the property fronting on that part of the public highway, street, avenue, alley or public place to be vacated, acknowledged as deeds conveying real estate in this State are required

to be acknowledged in order to entitle them to be recorded, shall have been obtained to such vacation, and filed with said petition in the city clerk's office.

SEC. 4. The property or part thereof so vacated, if it be a lot or public square, shall belong to the persons or corporations who may have the title thereof according to law; and if same be a public highway, street, avenue, or alley, the same shall vest in the persons or corporations owning the property on each side thereof in equal proportions according to the length or breadth of such land as the same may border thereon and as the titles to such bordering lands may be held by the said owners thereof respectively.

SEC. 5. The owner of any lot in any platted addition or subdivision within the corporate boundaries of the city may petition the Common Council for the vacation of the said platted addition or subdivision or any part thereof. Said petition must give a distinct description of the part of the addition or subdivision to be vacated, and also the names of all legal owners of all lots contained in such addition or subdivision and be verified by affidavit. Said petition shall be filed with the city clerk at least twenty days previous to any action being taken thereon by the Common Council, and notice of the pendency of such petition shall be given for the same length of time in the newspaper then doing the city printing.

SEC. 6. If opposition be made in writing to such petition within said twenty days by any person or corporation interested in such vacation, no action shall be taken by the Common Council on such petition before the expiration of an additional twenty days. The Common Council may, by ordinance, vacate such platted addition or subdivision, or part thereof, and upon such vacation being made, such plat and all dedications to public use made by or consequent upon such plat shall within and as to the part of such addition or subdivision so vacated, *ipso facto* cease and determine, and become and be of no effect, but no such ordinance shall be passed unless the consent in writing of the legal owners of all lots contained in such addition or subdivision acknowledged as deeds conveying real estate in this state are required to be acknowledged in order to entitle them to be recorded, shall have been obtained to such vacation and filed with said petition in the city clerk's office.

SEC. 7. No ordinance vacating any public highway, street, avenue, alley, public place or platted addition or subdivision or part thereof, shall be passed except by at least two-thirds af-

firmative vote of the full authorized membership of each house of the Common Council. If any such ordinance be returned without the approval of the Mayor, and with his objections, an affirmative vote of at least three-fourths of the authorized membership of each house of the Common Council shall be necessary to the passage of such ordinance notwithstanding the objections of the Mayor thereto.

SEC. 8. Every ordinance vacating any public highway, street, alley, public place, or platted addition or subdivision, or part thereof, shall be acknowledged by the city clerk as deeds are acknowledged as aforesaid, and such ordinance so acknowledged and the consents of property owners herein required shall be filed for record in the recorder's office in Jackson County, Missouri.

SEC. 9. The common council may provide in any ordinance for vacating any highway, street, avenue, alley, public place, or plat that such vacation shall not become final and absolute until the damage which may be occasioned thereby, if any, has been ascertained and paid in the manner hereinafter provided.

Whenever private property shall be so disturbed or damaged by the proposed vacation as to entitle the owners thereof to remuneration or damages under the constitution of the State of Missouri, the ordinance which shall order such vacation shall also prescribe and determine the limits within which private property is deemed benefited by the proposed vacation. Such benefited district shall not, however, include any property other than that abutting on the street, alley or public place proposed to be vacated, the owners of which abutting property have signed the petition for such vacation. The Mayor shall cause a certified copy of said ordinance to be filed in the Circuit Court of Jackson County, Missouri, at Kansas City; or with the clerk thereof, and said court shall fix a day and place for assessing the damages and benefits arising from the proposed proceeding, and such damages and benefits shall be ascertained and assessed in the manner and by the procedure provided in Article VII of this charter for assessing damages and benefits arising from grading and regrading streets; *provided*, however, that at any time before final judgment, the owners of the property abutting on the street, alley, highway, or public place proposed to be vacated who shall have signed the petition for said vacation may withdraw therefrom, and, upon filing such withdrawal in the office of the City Clerk, the City Counselor shall dismiss the said proceedings, and the same shall be *ab initio* null and void.

Unless all the owners of the property against which assessments of benefits have been made in said proceedings shall, within twenty days after the rendition of the verdict, pay such assessments to the clerk of the circuit court of Jackson county, Missouri, for the use of the parties entitled thereto, the city shall cause said proceedings to be dismissed and said ordinance shall thereupon be *ab initio* null and void.

Any party aggrieved by said verdict may appeal therefrom in the same manner and with like effect as is provided by Article VII of this charter from judgments rendered by the circuit court.

ARTICLE X.

Board of Public Works.

SECTION 1. There is hereby established within the city a department to be known as the board of public works, to consist of four members until the third Monday in April, 1910. The four members of the board of public works of Kansas City, in office at the time this charter goes into effect, shall constitute the first board of public works under this charter and shall serve until the third Monday of April, 1910, but shall have no powers or duties except as provided in this charter. On and after the third Monday of April, 1910, the board of public works shall consist of only three persons, who shall be appointed by the Mayor, by and with the advice and consent of the upper house of the common council; to serve, one for one year, one for two years, and one for three years from the date of their appointment. Each year thereafter the Mayor shall in like manner appoint one person as the successor of the member whose term of office expires in that year to serve as such member for three years.

SEC. 2. Each member of said board shall receive such salary as may be prescribed by ordinance. Immediately after qualification at the beginning of the fiscal year of 1910 and each year thereafter, said board shall elect one of its members president, for a term of one year, and one of his duties shall be to attend all meetings of the common council, and at the request of any member thereof, to give such information concerning the business of the board as may be required of him.

SEC. 3. The board of public works shall meet at its office at least three times each week to transact such business as may properly come before it. Two members of said board shall constitute a quorum.

SEC. 4. Said board shall appoint a city engineer, who shall be a civil engineer and a person well skilled in the science of engineering and the practical application thereof. He shall, in addition to the oath prescribed for city officers, take an oath that he is not and will not be during his continuance in office, directly or indirectly interested in any contract with the city, or in any public work. The board shall establish a department of engineering and the city engineer shall be the head thereof,

and shall have the sole executive control of said department, subject to the rules and regulations prescribed by the board, and shall hold his position at the pleasure of the board. He shall appoint and discharge the employes and subordinates in said engineering department, and shall carry into effect the public work designated by the board to be done by the engineering department, and shall perform such other duties, not inconsistent herewith, as may be prescribed by ordinance. The board shall appoint such persons not employed in the engineering department as may be necessary to transact the business and perform the duties devolving upon the board under the provisions of this charter. Upon the taking effect of Article XV of this charter, said board and said engineer shall, in making said appointments, and in all other respects, conform to the provisions, rules and regulations of the civil service board.

SEC. 5. The board shall establish a department of street repairs. It shall appoint a superintendent of repairs who shall have the sole executive control of said department, subject to the rules and regulations prescribed by the board. Except as otherwise provided by this charter, or by ordinance, it shall be his duty to have charge of the repairs of all streets and alleys, to repair all sidewalks and curbing, to construct all street crossings, and to repair the same, to repair all bridges and viaducts required to be kept in repair by the city; he shall have charge of the repairs of sewers and catch-basins, and the supervision of the erection of all telegraph and electric light poles; he shall also have the supervision of all excavations and fillings, made for the laying of gas and water pipes or for the repairing of sewers or for any other purpose whatever, in the streets and alleys of the city; he shall have charge and control of all implements and teams employed in such work, and shall perform such other duties not inconsistent with the provisions of the charter as may be required by the board of public works or by ordinance. The superintendent of repairs shall appoint and discharge all employes and subordinates in said department, and upon the taking effect of Article XV of this charter relating to civil service, he shall appoint and discharge appointees and subordinates subject to the provisions of said Article, and the rules made pursuant thereto. He shall hold his position at the pleasure of the board.

SEC. 6. After the taking effect of this charter no plat of any addition to the city or in the city or of any subdivision of lands within the city, shall be recorded or be of any validity unless, before such record, the approval of the board be endorsed thereon. Before approving any such plat the board of public works shall require that there be filed in its office a certificate

from the proper person and authorities that all taxes and all liens and incumbrances of every sort on that part of the land dedicated or conveyed for public use have been satisfied of record.

Plats and maps of additions to the city or of subdivisions of land in the city, shall be made according to the general law of the State in force at the time. Such map or plat shall be acknowledged by the proprietor before some court or officer authorized by law to take the acknowledgment of conveyances of real estate, and recorded in the office of the recorder of deeds in Jackson county; provided, however, that before any such plat shall be approved by the board of public works, the grade of the streets, alleys, avenues and public highways designated thereon shall be established by ordinance, and the said approval of such board shall recite the number and date of approval of said ordinance. After any street, avenue, alley or public highway shall be dedicated by any such map or plat or by a conveyance to the city of any land for such use, and the grades of the streets, alleys and public highways thereon shall be established as aforesaid, the city shall have the right to grade the same to the grade so established, and shall have an easement upon the land abutting on the said streets, avenues, alleys and public highways permitting the city the right to use so much of said lands as will enable the city to provide adequate support for said streets, avenues, alleys and public highways in case of any fill in such grade necessitating such support. In lieu of such easement retaining walls may be constructed at their own expense by the owners or proprietors of said abutting lands according to plans approved by the board of public works and under its supervision and control. Said walls may be so constructed at the time said grading is done or at any time thereafter in the discretion of said owner or proprietor. The city shall have the right to grade or otherwise improve the said streets, avenues, alleys and public highways, without making compensation for damages therefor to other lands of the proprietor making the map or plat, or to other lands of the maker of the conveyance, and it shall be deemed and taken by all courts for all purposes, that just compensation was made for such damages and for said easements when such map or plat or conveyance was made, or that the right to the same was released, so that neither the original proprietor nor anyone holding under such proprietor, shall have a right to compensation for such damages; provided, however, that if, after the city shall have established the grade of any such street, avenue, alley or public highway as aforesaid, and the city shall thereafter change such grade and re-grade the same, just compensation shall be made for damages resulting to any property from such change of grade and regrading.

SEC. 7. No ordinance establishing or re-establishing the grade of any street, avenue, alley or public highway, or establishing any sewer district, or providing for the construction of any public, district or joint-district sewer, shall be passed by the common council, unless the same has endorsed thereon a certificate of approval by the board of public works.

SEC. 8. Said board shall, in all cases not in this charter otherwise provided, inaugurate and control the grading and paving of all streets, avenues, alleys and public grounds; the cleaning, sprinkling, repairing and improving of all streets, alleys, avenues and public places; the construction, altering and repairing of all bridges, culverts, receiving basins, sewers, drains and water courses under the jurisdiction or control of said city; the laying of gas and water pipes through any street or alley; and the issuing of permits for connecting with gas, water or sewer pipe, and for the erection of gas lamps, telegraph poles, electric light poles, and street car poles; the laying down and repairing of all sidewalks, cross-walks, curbing and guttering; the construction of all vaults under any portion of said streets; the construction, repair, alteration and removal of all buildings, houses, barns, stables, fences and other similar improvements upon lots and lands within the limits of the city, and the issuing of permits therefor; the construction and repair of the city hall, and all other public buildings of the city, and shall in all cases (where no other provision is made in this charter for so doing), supervise the doing of all other public work and improvements provided for in this charter, and of all other public work and improvements not specifically assigned by this charter to some other authority.

Said board may require that before any street be paved the sewer, water and gas pipes be laid therein, and connection laid to the curb in front of each lot.

Nothing in this article contained shall be so construed as to in any wise affect the exercise by the board of park commissioners, or by the board of fire and water commissioners, of the powers conferred and duties imposed on either of said boards by this charter.

SEC. 9. Whenever the city shall construct or acquire in any way the ownership, use, occupation or control of any gas, electric light, heat, power or refrigeration plant or works, or any other kind of works for the purpose of serving the city or its inhabitants, or any other person or corporation with light, heat, refrigeration or power, and whenever the city shall construct, purchase or in any wise acquire any subways, tunnels, bridges or viaducts, conducts, wharves, tracks, depots, terminals, transporta-

tion lines, telegraph or telephone lines, or other means of communication or transportation or any other property within the class of public utilities, the same shall be managed or controlled by the board of public works, under such regulations as the city may, by ordinance, from time to time provide.

SEC. 10. The board shall also have the power, and it shall be its duty, when any levee district has been established by the Common Council, to devise and adopt a system of levees, dikes, drains and other works for the protection of all lands within such districts from floods or overflows, and select and designate lands and rights-of-way to be used and appropriated for such levees and other works, and to carry out all the powers and duties imposed upon it in Article XII of this charter.

SEC. 11. Said board shall also exercise such other powers and perform such other duties in the superintendence of public works, improvements and repairs constructed by authority of the common council or owned by the city, not inconsistent with the provisions of this charter, nor with the powers of the city engineer, as may be prescribed by ordinance. Said board shall make all necessary rules and regulations for the government of its department not inconsistent with this charter or any ordinance of the city.

SEC. 12. The board of public works shall establish under its supervision a department of street cleaning, and shall appoint a commissioner of street cleaning, who shall have the control and management of such department. The commissioner of street cleaning shall have direction and control of the sweeping and cleaning of the streets of the city, including all avenues, alleys and highways and public grounds of the city, except such as are under the control and management of the board of park commissioners, and shall have the direction and control of the removal or other disposition of street sweeping and other refuse and rubbish from the streets, alleys, avenues, highways and public places, and of the removal of snow and ice from the leading thoroughfares and from such other streets within the city as may be found practicable.

SEC. 13. The commissioner of street cleaning may appoint, subject to the civil service laws, rules and regulations contained in or provided for by this charter, one deputy, and such clerks, district superintendents, foremen, employes and laborers as may be provided by ordinance. He shall organize a sufficient street cleaning force, with such ranks, grades and

divisions as he may deem necessary for the effective cleaning of the streets and within the limits of the funds at the disposal of the street cleaning department. He shall keep a record of all of his expenditures and of all employes under him, and of their wages, and shall report the same to the board of public works at the end of each week.

SEC. 14. It shall be the duty of the commissioner of street cleaning to make such allotment and designation of the areas to be covered and the duties to be performed by each employe and all of the different employes of the department as he shall deem expedient, and he may transfer one or more of such employes from one district or section of the city to another, or temporarily employ all or any part of said employes in a particular section.

SEC. 15. The territory within the limits of the city, for the purposes of street cleaning, shall be at all times divided into the same number of districts, with the same boundaries for each district, as provided in this charter for the division of the city into park districts; and the funds in this article provided for the use of the department of street cleaning, shall be expended in each district as nearly as possible in proportion to the assessed valuation of the real property in such district as shown by the books of the city assessor. The commissioner of street cleaning shall appoint a superintendent in each district, who shall be responsible to the commissioner for the cleanliness of the streets in his respective district, and for the faithful performance of the duties of all employes under him. The Common Council shall provide for the office and general headquarters of the commissioner at the city hall, and may provide for district headquarters in each district hereby established, which shall be the headquarters of the district superintendent and the employes for such district.

SEC. 16. There shall be appropriated annually for the use of the department of street cleaning, for the purpose of sweeping and cleaning the streets as provided herein, a sum of money equal to seven per cent of the total revenues of the city exclusive of any sums raised from special assessment or special taxes on real estate. It shall be the duty of the common council to make monthly appropriations to said department to pay the expenses of said department, including wages, salaries, appliances and supplies, within the limits of said seven per cent of the total revenues of the city, above provided. The common council may also appropriate to the use of such department such additional sums out of the general fund of the city as may be neces-

sary for the efficient sweeping and cleaning of the streets and the carrying out of the purposes of this article. It shall be the duty of the board of public works to include in its annual estimate to the comptroller, at the beginning of each fiscal year, such an amount in addition to the seven per cent herein provided for as the said board may deem necessary for the use of the department of street cleaning. No funds appropriated to the use of the department of street cleaning shall be used for any other purposes than those specified in this article.

SEC. 17. The commissioner of street cleaning is hereby authorized to take and use from the hydrants and water pipes of the city, under such reasonable rules and regulations as may be prescribed by the Board of Fire and Water Commissioners, all water which he may deem necessary for the purpose of washing or otherwise cleaning the streets of the city, and for all other uses of his department, and no charge or debit shall be made on account thereof against the funds appropriated for the use of said department of street cleaning.

SEC. 18. In case of snowfall or other emergency the commissioner of street cleaning, or his district superintendents, may hire or temporarily employ such and so many men, vehicles and horses as shall be rendered necessary for such emergency, forthwith reporting such action, with full particulars, to the board of public works; but no man, vehicle or horse shall be so employed for a longer period than three days, except that any person registered or eligible to appointment on the list of the Civil Service Commissioners may be temporarily employed at any time as extra employe, to fill the place of any employe who is suspended or temporarily absent from duty from any cause.

SEC. 19. The Common Council may, upon recommendation of the Mayor, authorize the board of public works to enter into contracts for the cleaning of any street or streets, in any district, or for the part or whole of any district, provided such contract shall be publicly let to the lowest and best bidder and shall not be for a period longer than five years. The work to be done under such contracts shall be under the supervision of the commissioner of street cleaning and the superintendent of the district in which the streets to be cleaned may be located. Such contractors shall be paid out of the funds appropriated for the use of the department of street cleaning and set apart to the particular district or districts in which said work is done. Such contractors shall in every case give such bonds for the faithful performance of such contracts, in such amounts and upon such

conditions as may be required by ordinance of the Common Council.

SEC. 20. The commissioner of street cleaning is hereby authorized and empowered from time to time to make, adopt and enforce reasonable rules, orders and regulations, subject to the approval of the board of public works, for the purpose of carrying out the purposes of this article, and for the administration and discipline of said department and the members and employes thereof.

SEC. 21. The common council shall, by ordinance, provide that all carts and wagons used by said department of street cleaning shall be of such size, form and construction as to prevent the escape, during transit, of dust, dirt or any refuse carried therein; and shall pass suitable ordinances for the prevention of the deposit of any filth, trash, rubbish or other refuse in any manhole or sewer of the city, or upon any sidewalk, street, highway or public place thereof, or upon any private property within the limits of the city, except with the consent of the owner of said property and upon a permit from the Board of Hospital and Health of the city, and shall provide suitable penalties for the violation of such ordinances. It shall be the duty of the commissioner of street cleaning, and the district superintendents and all employes in said department, to report all violations of said ordinances to the chief of the police department, and to lodge complaints with the proper officers of the city, giving the names of the persons so violating said ordinances. The commissioner of street cleaning and all district superintendents and foremen in said department, shall be conservator of the peace, with power to arrest any person who may violate any of the provisions of said ordinance.

SEC. 22. The commissioner of street cleaning is hereby authorized from time to time, with the approval of the board of public works, to prescribe uniforms, badges or insignia to be worn and displayed by employes and members of said department, and to prescribe that the same shall be worn during all hours of service.

SEC. 23. Nothing in this article shall be held to relieve any owner or occupant of any property from any duties imposed upon him by ordinance of the Common Council in relation to the cleaning of, or the removal of filth, snow, ice, dirt or other refuse from sidewalks or gutters of any streets upon which said property fronts or abuts, or from any alley in the rear or upon the side of any such property. The common council may pass

such ordinances, not in conflict with this article or the constitution and laws of this State, as it may deem necessary or expedient for more fully carrying into effect or enforcing the provisions of this article.

SEC. 24. Whenever the repair of any street, alley or highway of the city is necessary in order to expedite the cleaning of streets as herein provided, the commissioner of street cleaning shall report such fact to the superintendent of repairs, whose duty it shall be to promptly make such repairs.

SEC. 25. The board shall keep full and complete records of all its proceedings. It shall keep books of account showing with accuracy the receipts and expenditures of the board under such plan and system as the comptroller may prescribe. It shall classify or divide the various works and interests under its control into branches, as far as may be, and keep an accurate account of each branch, showing the amounts expended for original improvements and construction, and the amount for repairs, superintendence and other expenditures, exhibiting the source of expenditure.

It shall be the duty of the board to make a report in writing to the Mayor and Common Council once every three months, or oftener if thereto required, giving the expenditure of the different branches of work under the control of the board, and embracing a statement of the condition, progress and operation of the works in its charge.

ARTICLE XI.

Department of Fire and Water.

SECTION 1. There is hereby established within the city an executive department to be known as the Fire Department and an executive department to be known as the Water Department, both of which shall be under the control and management of a board of fire and water commissioners. Said commissioners shall be appointed by the Mayor and shall be well known for their intelligence and integrity. The term of office of such commissioners shall be three years; *provided*, that the first commissioners appointed hereunder shall so classify themselves by lot that the term of one of the commissioners shall expire at the beginning of the fiscal year 1909; one at the beginning of the fiscal year 1910; one at the beginning of the fiscal year 1911, and at the expiration of the term of each member his successor shall be appointed by the Mayor for a term of three years from the date of the expiration of the official term of his predecessor. The first board shall be appointed forthwith after this charter takes effect. Said commissioners shall each receive the sum of one thousand dollars per year as compensation for their services until otherwise provided by ordinance.

The first board appointed hereunder shall organize by electing one of its members president, and the members of said board shall, annually thereafter, elect one of their number as president of said board; each president elected hereunder shall hold office for one year and until his successor is elected and qualified.

The board shall select a secretary who shall not be a member of the board, and who shall serve at the pleasure of the board.

The board shall hold regular meetings at least once each week, and as many special meetings as it may deem proper; two members of said board shall constitute a quorum for the transaction of business and an affirmative vote of at least two members shall be necessary to authorize any action of the board.

SEC. 2. Said board of fire and water commissioners shall have power, and it shall be its duty to maintain and operate a water works system for the use of and to supply the city, its inhabitants or any person, firm or corporation with water within or without the corporate limits of said city, or within or without the limits of the State of Missouri. Said board shall have power to select and designate the lands to be used and appro-

priated for a water works or fire department within or without the city limits and within or without the State of Missouri, and to extend, alter, enlarge and modify the water works or fire department systems of Kansas City.

Said board shall have power by and with the approval and authority by ordinance of the common council, to lease, control or otherwise acquire in the name of the city, land for water works or fire department systems or for purposes appertaining thereto.

Said board shall have power to lay water pipes and supply water along such streets, avenues, public highways or alleys or part thereof, or in such places within or without the city or without the State of Missouri, and under such terms and conditions as it may deem advisable; the cost of laying such pipe shall be paid out of the sum or sums appropriated to the use of said board as hereinafter provided. The necessary excavations and fillings for water pipes and their connections, when within the lines of public highways of the city, shall be made under the supervision of the board of public works.

SEC. 3. The board of fire and water commissioners shall have charge of the entire water works and fire department systems of the city, and all appurtenances thereto belonging and shall superintend, control and manage said water works and fire department systems and all property appertaining thereto or necessary or convenient for accomplishing the purposes contemplated by this article, and shall enforce the performance of all contracts and work, and shall have custody of all books, assets and property belonging to or appertaining to said water works and fire department systems. Said board may, subject to the civil service laws, rules and regulations prescribed by and provided for in this charter, appoint and employ such chief superintendent and superintendents, assessor and collector of water rates, and any and all other officers and employes as it may deem necessary and shall prescribe and fix their duties.

SEC. 4. The contracts for the doing of all work and the furnishing of all materials and supplies for the water works and fire department systems shall be let by the board of fire and water commissioners, subject to the provisions of article IV of this charter relating to the city purchasing agent, except that in cases of emergency when the purchasing agent is unable to furnish materials, machinery, tools and supplies immediately necessary for the use of said board, the same may be purchased by the board irrespective of the purchasing agent and without competitive bidding, when said purchases do not involve an expenditure of more than five hundred dollars.

SEC. 5. The board of fire and water commissioners may require owners, or lessees or their agents, of houses, stores and other buildings in the city, or in any such parts thereof as they are ready to supply, to take out licenses for the use of water for such houses, stores or buildings, according to the rates or assessments fixed as provided in this article, whenever the hospital and health board of the city, or the proper officer designated by it, shall, by order duly made, declare that the use of water from the water works of the city in any such houses, stores or buildings is demanded as a sanitary measure for the preservation of the health of the inmates or inhabitants of such houses, stores or buildings; and the said rate of assessments shall be paid by all such proprietors, owners or lessees or their agents, as well by those who consent as by those who refuse to place in their houses, stores and buildings the water pipe to convey the same, and shall be payable whenever the board of fire and water commissioners shall have notified the proprietor, owner, lessee, or his agent, of the readiness of said board to supply such houses, stores or buildings with water as aforesaid. The parties who fail or neglect to comply with the provisions of this section shall be subject to penalties as may be provided by ordinance.

SEC. 6. The assessment and collection of water rates shall be under the control and supervision of the board of fire and water commissioners, who shall appoint an assessor and collector of water rates, who shall hold office during the pleasure of the board. He shall have authority to appoint, subject to the civil service laws, rules and regulations contained in or provided for by this charter, such clerks and assistants as may be authorized by said board. It shall be the duty of such assessor and collector to collect all revenue due or to become due to the city for water, or accruing to the city on account of the operation of the water works system.

The board shall have power to make corrections and adjustments for all over-charges or errors in water bills collected from or charged against consumers of water. All refunds shall be made out of the funds of the board by requisition on the auditor for warrants, as authorized by this charter. The board shall make a detailed daily report to the comptroller of all such refunds.

SEC. 7. The assessor and collector of water rates shall each day pay the City Treasurer all revenue collected on account of water works, and then on hand, and take duplicate receipts for the same, one of which he shall file in his office, and the other he shall forthwith deliver to the auditor. He shall, within the first six days of each month, furnish the comptroller with a

full and complete statement of all collections made by him during the preceding month, and also the number of blank licenses on hand at the end of that month.

SEC. 8. Blanks for water licenses shall be in such form as may be prescribed by the board, and the comptroller shall countersign the same and shall issue the same from time to time to the assessor and collector of water rates and take his duplicate receipt therefor, one of which shall be filed with the city auditor, one to be retained in the comptroller's office, which latter receipts shall be kept in well bound books. The comptroller shall examine each monthly statement of said assessor and collector of water rates and certify to the Auditor and to the board of fire and water commissioners whether the same be correct or not.

SEC. 9. It shall be the duty of the Common Council, by ordinance, upon recommendation of the board of fire and water commissioners, from time to time, to fix, alter and establish prices and rates to be paid for the use of water. No water rate shall be allowed or fixed by any other principle or consideration than that of producing revenue, and exceptional discriminations in rates are forbidden. Water rates shall be so fixed as to produce revenue enough to pay at least all running expenses, the interest on all bonds issued and outstanding for water works purposes and costs of all repairs of the works. All revenue and income derived from the water works after paying all salaries of officers and employes, running expenses and cost of repairs, shall, so far as may be necessary to meet the same, be first applied to the payment of interest on said bonds, and the balance thereof shall go to the sinking fund to meet the principal of said bonds, or for enlargements, extensions and betterments as the common council may, by ordinance, provide.

SEC. 10. If deemed advisable by the law-making authorities of the city, upon recommendation of the board of fire and water commissioners, water rates may be so fixed by ordinance as to produce revenue enough to pay for all enlargements, extensions and betterments of the works, in addition to the running expenses, the interest on all bonds issued or hereafter to be issued and outstanding for water works purposes, and costs of all repairs of the works.

SEC. 11. Said board shall make an annual report to the Mayor and Common Council of the acts of said board of fire and water commissioners and all its expenditures, showing the condition of all affairs under its control. Said board shall also

cause to be published in pamphlet form, at least once in four years, a comprehensive report of the operations of the department, for public distribution.

SEC. 12. Said board shall have charge, management and control of all the city's fire engines and means and apparatus used or provided for the extinguishment and prevention of fires and of all buildings, houses and places of the city used in keeping and preserving the same, and generally shall have full charge and control of the management, operation, extension, enlargement and betterment of the fire department system of the city, subject to the provisions of this charter.

SEC. 13. Said board shall appoint a fire chief to serve during the pleasure of the board. It shall also, from time to time, divide the places of employment and service in the fire department into positions, naming them, grading according to the importance of the duties to be performed by the employes occupying such positions. The chief of the fire department, and all other persons in the employ of the fire department at the date of the taking effect of this charter shall, upon the taking effect of this charter, be deemed to have been appointed to and employed in their present positions and places of employment by said board of fire and water commissioners at the same compensation, without further or additional appointment or employment, except that the said chief of the fire department shall henceforth be known as Fire Chief.

SEC. 14. Except as provided in the next preceding section of this article, and with the exception of the Fire Chief, no person shall be taken into the service of the fire department otherwise than in accordance with the civil service laws, rules and regulations contained in or provided for by this charter. All employments in the fire department shall, in the first instance, be for a probationary period of six months, during which time such probationers shall perform such substitute duties in the department and shall receive such per diem compensation for the actual time engaged in the performance of such duties as the board shall prescribe. Such probationers shall be numbered by the Fire Chief in the order in which, according to merit, they are certified for employment from the eligible list of the civil service commission, and each probationer who by such actual experience manifests his fitness for duty as a fireman shall be selected for regular employment in the department in the same relative order.

SEC. 15. Said board shall organize fire, hose, ax, chemical, hook and ladder and other fire fighting companies and em-

ploy a suitable number of able and reputable inhabitants of the city as firemen to take the care and management of the engines and apparatus and implements used and provided for the extinguishment of fires, and shall prescribe the duties of firemen, and make rules and regulations for their government, and impose reasonable penalties for violation of the same. Said board shall from time to time, determine and fix the quantity, kind, character and quality of all equipment, apparatus and supplies needed by said fire department, including means of giving and receiving fire alarms, and shall purchase and pay for the same as provided in this charter.

SEC. 16. The Fire Chief shall be responsible for the discipline, good order and proper conduct of the employes under him in the whole fire department, the enforcement of all laws, ordinances, rules and regulations pertaining thereto, and for the care and condition of the houses, engines, hose, carriages and all property of the department. He shall have the superintendence, control and command of all the officers and men belonging to the department, and full power to remove, discharge and suspend them, or any of them, and shall also have charge of all the engine houses used by the department, and of all the engines and fire apparatus belonging to the city. He shall, likewise, have full control of all persons present at fires, and to that end shall *ex-officio* have and exercise all the powers of the chief of police of the city thereat, and all of his subordinates shall have the same powers as policemen. He shall have power, if need be, to summon any and all persons present to aid in extinguishing any fire, in removing personal property from any building on fire or in danger thereof, and in guarding the same, and any person refusing to obey such summons shall be deemed guilty of a misdemeanor. He shall also have power to order the cutting down and removing of any building, erection, fence and thing, if he shall deem it necessary for the purpose of checking the progress of any fire. In case of the absence of said Fire Chief from any fire, the assistant in the department of the highest rank then present shall, for the time, have the powers and perform the duties of such Fire Chief. The Fire Chief or the assistant in command at any fire may prescribe limits in the vicinity of such fire within which no person, excepting those who reside therein, members of the fire department or the police department, and those admitted by order of the officers of the fire department, shall be permitted to come.

SEC. 17. It shall be the duty of the Common Council to appropriate and set apart twenty-five per cent of the total amount received by the city from the tax on foreign insurance companies to aid in the creation of a fund for the purposes set forth

in the act of the general assembly of the State of Missouri, entitled, "An act to provide for the creation, maintenance and management of funds for the pensioning of crippled, disabled and retired firemen, and for the relief of widows, minor children and dependents of the deceased firemen; the retirement from service of members of the fire department, and the pensioning of members, their widows, minor children and dependents in all cities in this State which now have or which hereafter acquire a population of more than one hundred thousand inhabitants: Approved March 23rd, 1903."

Such appropriation shall be made as soon as the money has been actually received into the city treasury from said tax on foreign insurance companies, and the organization of said board of trustees fully completed as provided in said Act of the General Assembly.

SEC. 18. The management and control of such fund shall be governed by all the provisions and limitations in said Act of the General Assembly contained.

SEC. 19. Whenever the city shall have paid into said fund as aforesaid, the sum of one hundred thousand dollars, no further appropriation shall be made by the city to said fund except by ordinance passed by an affirmative vote of at least two-thirds of the members elect of each house of the Common Council.

SEC. 20. The Common Council shall have power to pass all such ordinances not in conflict with this charter or the constitution and laws of the State, as it shall deem proper to more fully carry out the objects and purposes of this article.

ARTICLE XII.

Establishment and Maintenance of Levee Districts.

SECTION 1. The common council shall have power to provide for the establishment of levee districts within the city limits and for the construction of levees, dikes, drains and other works therein, for the protection of the lands within such levee districts from floods or overflow of waters, and for the acquisition of lands, right-of-way, and other rights required therefor by the city, by purchase, condemnation or otherwise, including railroad property. The cost of such land, rights-of-way and other rights, and of the construction of said levees, dikes, drains and other works within any levee district may be paid by assessment of benefits upon all the lands within said levee district, exclusive of improvements thereon, or out of the general fund of the city, or by the issue and sale of the bonds of the city according to law, or partly by assessment and partly out of the general fund, as may be provided by ordinance; or, when two or more of such levee districts may be joined as one benefit district as hereinafter provided, for the acquisition of such lands or rights, and the construction of such improvements, the Common Council shall have power, by ordinance, to provide that the cost of such acquisition and construction may be paid by assessment of benefits upon the lands, exclusive of improvements thereon, in all such districts so joined.

SEC. 2. The board of public works shall have the power, and it shall be its duty, when any such levee district has been established by the Common Council, to devise and adopt a system of levees, dikes, drains and other works for the protection from floods or overflow, of all lands within such levee district, and to select and designate lands and rights-of-way to be used and appropriated for levees and others works necessary for the uses of said district, and recommend to the Common Council the acquisition of such lands and other rights and the construction of such works.

And said board of public works shall cause accurate surveys, maps and profiles to be made of levees, dikes, drains and other works to be constructed, and shall estimate and calculate the cost of the construction of the same, and the city engineer and his assistants shall assist said board when required, and the board may, if authorized so to do by the common council, employ additional experienced, suitable and competent engineer or engin-

eers to assist said board, and the board shall make a written report to the Common Council of its conclusions, showing the amount, character and kind of work to be done, the location and probable cost thereof, for the information and use of the Common Council.

SEC. 3. The Common Council may provide, by ordinance, for the acquisition of land, rights-of-way and other rights required by the city in the exercise of the powers conferred in this article, in the manner provided in Article VI of this charter relating to condemning and damaging private property, or as hereinafter provided.

SEC. 4. The Common Council may provide in the ordinance for the acquisition of the land, rights-of-way and other rights required as aforesaid, and for the construction of the levees, dikes, drains and other works proposed, in which case the acquisition of the land, rights-of-way and other rights, and the assessment of the costs and damages on account of the acquisition of the same, and the assessment of benefits to pay therefor, and the assessment of benefits to pay for the construction of said levees, dikes, drains and other works, may be had and done in one and the same judicial proceeding.

The benefit district in any such proceeding may include one or more levee districts as may be provided by ordinance. And in such ordinance, separate descriptions of each piece or parcel of private property to be taken will not be required, but it shall be a sufficient description of the property to be taken, purchased or damaged, to give a description of the entire tract by metes and bounds, whether the same shall be composed of one or more than one piece or parcel.

After the passage of such ordinance, the city engineer, or his assistants, shall make out and deliver to the board of public works a statement, by map, plat or otherwise, containing a correct description of the several lots or parcels of private property to be purchased, taken or damaged, and containing also the names of the owners so far as known of such lots or parcels of land, if any, to be taken or damaged, or of any estate or interest therein, who may be such at the time of the taking effect of the ordinance providing for the taking or damaging of such private property.

SEC. 5. After the passage of the ordinance as specified in the foregoing section providing for the construction in any levee district or districts of any levee, dike, drain or other works, or system of levees, dikes, drains or other works, and the acquisition of the land, rights-of-way and other rights, if any, required

therefor, the board of public works shall cause plans and specifications to be made for the work, and shall make estimates and calculations of the cost of such work, exclusive of the cost of the land, rights-of-way and other rights to be acquired, and damages sustained by virtue of said improvements, and to that end, may advertise for bids or proposals for the whole or any part of the work; and the said board shall be aided in making said estimates and calculations by the city engineer and his assistants, and by such other persons, if any, as may be employed by said board by authority of the Common Council, the cost of such work to include the cost of any material required for the said work; and such estimates and calculations of the cost of such work, when completed, shall be certified to under the hand of the president and secretary, and a record thereof shall be made and kept in the office of said board; and said estimates and calculations of the board shall be conclusive as to the cost of such work in all proceedings for the assessment of benefits to pay therefor as hereinafter provided.

After the plans and specifications of the work provided by the said ordinance to be done, and the estimates and calculations of the cost of the same, shall have been completed, the city shall file a proceeding in the circuit court of Jackson county, Missouri, at Kansas City, in the name of the city, the same to be conducted in all respects as proceedings for the condemnation of lands for the establishment of parks and boulevards as provided in Article XIII of this charter. In the petition filed by the city in such proceeding, the city shall allege the passage and approval of the ordinance providing for the work specified therein to be done, the condemnation of land, rights-of-way and other rights required therefor, if the same shall have been provided for in the ordinance, and the estimated cost of the work as shown by the record of the board of public works, and the prayer of the petition shall be that the court shall summon a jury of six freeholders who shall not be interested in any property or rights to be taken, purchased or damaged, for the assessment of the costs and damages on account of the property and rights to be taken or damaged, and the benefits arising from said proposed improvement, including all benefits to the city at large, and that the court shall find and determine the validity of said ordinance, and the amount, if any, for which the respective lots, tracts, and parcels of land within the benefit district described in the ordinance shall be charged for the acquisition of the property and rights to be acquired, if any, and the construction of the improvements provided for by said ordinance.

SEC. 6. Service of process in the proceedings specified in the preceding section shall be governed by the provisions of

Article XIII of this charter, relating to service of notice and summons in proceedings for the ascertainment of benefits and damages for the condemnation of lands for parks and boulevards. In such proceeding, the city may offer in evidence the plans and specifications of the work to be done and improvements to be made as provided by the ordinance and approved by the board of public works together with the estimates of the cost of such work and improvements as determined by the board of public works, and may offer evidence tending to prove the validity of said ordinance and proposed lien, the value of the land and rights-of-way and other rights to be taken, if any, the damages to be suffered by any and all persons on account of the construction of said dikes, levees, drains and other works, and the benefits to each and every tract and parcel of land within the said levee or benefit district sought to be protected, and to the city at large; and the respective owners of lots, tracts and parcels of land within said benefit district will have the right to introduce evidence tending to show the invalidity of such ordinance and of said proposed lien against the respective lots, tracts and parcels of land within said benefit district, and shall have the right to have determined the question of whether or not the owner of any lot, tract or parcel of land shall be charged with such lien, and shall have the right to offer evidence as to any damages to any lot, tract or parcel of land sought to be taken, or any lot, tract or parcel of land or other property alleged to be damaged, and as to the benefit or want of benefit to any lot, tract or parcel of land sought to be assessed with benefits, and to the city at large.

And to pay compensation for the land, property and other rights to be acquired and damages suffered and to pay the estimated cost of the work to be done and improvements to be made, the jury of freeholders shall estimate the amount of benefit to the city at large, and shall estimate the value of the benefits of the proposed improvements to each and every lot, piece and parcel of private property, exclusive of the buildings and improvements thereon within the benefit district, if any benefit is found to accrue thereto; and in case the total of such benefits, including the benefits to the city at large, equals or exceeds the amount of compensation assessed or to be paid for the property and rights purchased, taken or damaged, and the cost of the improvement as estimated by the board of public works, or such portion of said compensation and cost as by said ordinance is provided to be paid by the assessment of benefits, then said jurors shall assess against the city the amount of benefits to the city as aforesaid, and shall assess the balance of the cost of such improvement, inclusive of the cost of the property and rights

acquired and damages sustained, or so much of the cost thereof as by said ordinance is to be paid by assessment of benefits, against the several lots and parcels of private property found benefited, each lot or parcel of ground to be assessed with an amount bearing the same ratio to such balance as the benefit to each lot or parcel bears to the whole benefit to all the private property assessed.

And the jury of freeholders shall render a verdict which shall show:

First: A correct description of each piece or parcel of private property taken, if any, and the value thereof as found by said jury, and of each piece or parcel of private property or other property damaged, and the amount of damages thereto as found by said jury, and the description of rights-of-way or any other rights to be acquired by the proceeding and the value thereof as found by said jury.

Second: The estimated cost of constructing the improvements as determined by the board of public works.

Third: The amount, if any, assessed against the city, which shall stand as a judgment against the city; and shall show the amount of benefits assessed against each piece or parcel of private property found benefited within the benefit district to pay the compensation awarded for property taken or damaged, or rights acquired, and to pay the estimated cost of construction of the proposed improvements provided for in said ordinance.

The provisions of Article XIII of this charter relating to the making up and signing of the verdicts of juries of freeholders in the acquisition of lands for parks and boulevards, and the duties of the city engineer and city assessor and their assistants in relation thereto, shall apply to the making up and signing of the verdicts of such juries in the cases specified in this article.

SEC. 7. The proceedings specified and the rights conceded in Article XIII of this charter, including the waiver of such rights, as set forth therein, where property is taken or damaged for public use for parks and boulevards, where the owner or claimant therefor is an incorporated company entitled under the law of the land to a trial of its claim for compensation by a common law jury, shall be had in cases of land, rights-of-way or other rights to be condemned or damaged for the purposes of this article, when such incorporated company shall demand a trial of its claim for compensation before a common law jury of twelve men.

SEC. 8. After the jury shall render its verdict the same may be reviewed by the court on its own motion, or on the motion of any party interested, which shall be filed and heard in the manner provided in Article XIII of this charter for reviewing verdicts of jurors in condemnation cases relating to parks and boulevards, and the court may set aside such verdict and order a new trial; or, the court may render judgment that such ordinance, or the award of damages or the assessment of benefits, are in whole or in part invalid and illegal. The verdict, unless set aside as aforesaid, shall be confirmed by the court, and the court shall render judgment that the said ordinance and assessments are valid, and that the city have and hold the property and rights sought to be taken, upon payment of the compensation assessed for the use of the persons entitled thereto, for the purposes specified in the ordinance providing for said improvement, and that the city pay the benefits assessed against said city, if any there be; that the city shall recover the respective amounts assessed against private property, and that the several lots, tracts and parcels of private property assessed to pay compensation for the verdict stand severally charged, and be bound, for the payment of the respective assessments and interest that may accrue thereon; and if said assessments are, by the ordinance aforesaid, made payable in more than one installment, the judgment shall so recite.

SEC. 9. Said assessments to pay for said improvements may be payable in one installment, or in such number of annual installments as may be determined by the Common Council, such determination to be set forth in the ordinance of the Common Council under which said proceedings are instituted.

SEC. 10. The provisions of Article XIII relating to the time and manner of payment of assessments charged against lands for the acquisition and establishment of parks and boulevards which are payable in one or more installments, and the rate of interest on said assessments, and the penalties specified for non-payment, and the manner of payment, and the collection of the same, shall apply to the assessments made in pursuance of this article, and all provisions relating to the duties of the City Treasurer in the matter of special assessments provided in said Article XIII including the records to be kept and the sale of lands under execution for non-payment of such assessments, and the application of the assessments to the purposes for which they are made, shall apply to the City Treasurer in relation to the assessments made in pursuance of the authority of this article.

SEC. 11. Any party aggrieved by any verdict and judgment aforesaid, may take an appeal therefrom by filing such affidavit as is required in the appealing of civil cases, and filing a bond in such sum and with such security as may be approved by the circuit court, or judge thereof, conditioned that the party appealing, should the judgment be affirmed by the appellate court, or such appeal be dismissed, pay all costs of such appeal. The bond and affidavit for such appeal, however, shall be filed within twenty days from the rendition of the judgment of confirmation of the verdict, and the appeal shall be perfected within sixty days from the date of said judgment, unless further time be granted by the court. In case of appeal, the judgment shall stand suspended until the appeal is disposed of, and no interest shall be allowed or collected on the judgment or on the assessments, until said judgment be affirmed or appeal be dismissed. No writ of error shall be allowed. The clerk of the appellate court shall put such case on the docket for hearing at the next term of that court after the appeal is allowed. No error nor defect not affecting the rights of the appellant shall work a reversal of the judgment.

SEC. 12. The Common Council shall have the power, at any time before any of the parties assessed with benefits shall have paid the amount so assessed, to repeal the ordinance ordering the proposed improvement, if such repeal be deemed for the best interests of the city; and in such event, the judgment for compensation and benefits shall be void.

SEC. 13. After the judgment of confirmation of such verdict and proceedings, the clerk of said court shall certify under the seal of said court, to two copies of said verdict, one of which copies he shall deliver to the City Treasurer, and one to the Comptroller, and said assessment for benefits, if any, against private property, shall be a lien from the date of the taking effect of the ordinance in pursuance of which said assessments are made and said proceedings instituted, and shall attach to the several lots or parcels of land so assessed with benefits as aforesaid; and said lien shall continue against each lot or parcel assessed until the assessment against each lot or parcel has been paid or collected in full, both principal and interest. No assessment shall be defeated or affected by any irregularity affecting any other assessment or from the rendering of any other assessment invalid in whole or in part.

SEC. 14. After the confirmation by the circuit court, or appellate court on appeal, as hereinbefore provided, of any ver-

dict in any proceeding in which special benefits are assessed against real estate as compensation for property or rights purchased, taken or damaged and to pay for all work to be done and improvements made for the purposes specified in this article, the common council for the purpose of raising money in advance of the dates when assessments are due, to pay for land purchased, taken or condemned, and work to be done and improvements to be made or constructed, may provide by ordinance that the city treasurer shall issue levee fund certificates in amount not to exceed the total amount of assessments against the private property shown in any such verdict and unpaid at the expiration of the said sixty days from the confirmation as aforesaid. Such certificates shall be in such form and for such sums as may be provided by ordinance, and shall be either payable to the order of the registered holder, or be payable to bearer. Any such certificate shall entitle the owner or holder thereof to his proportionate share as shown by such certificate, of the special assessments and the interest thereon, as the same are collected, upon which such certificates are issued, and shall so specify.

SEC. 15. Distribution of the amounts collected upon said special assessments, including interest, shall be made to the holder or holders of such certificates, *pro rata*, at least semi-annually, at such specified dates as may be provided in the ordinance authorizing the issue of the same, and the holder shall receipt for such payments; and the city shall be liable on such certificates to the holders thereof for the sums collected from the special assessments upon which said certificates are issued and not otherwise.

SEC. 16. Should the purchaser or holder elect, said certificates shall be registered by the Comptroller in the name of the owner and his assigns from time to time, and the Comptroller shall certify such registration to the holder.

SEC. 17. All levee fund certificates issued on account of special assessments growing out of the same condemnation or assessment proceedings, including supplemental proceedings shall be considered a part of the original proceeding, and shall be designated as a series; and if any series comprises more than one certificate, such certificates shall be numbered.

SEC. 18. Each of such levee fund certificates shall bear the certificate of the City Treasurer and the attestation of the Comptroller that the same is one of a series of certificates issued

on account of certain special assessments to which such series relates, and that such series is not in excess of the same; and the Comptroller shall keep a record of all such certificates issued in each series and of all payments and dividends thereon, and shall publish the same in his annual statement, and also statements of the amounts received by the city Treasurer from assessments; and shall at the request of the holder of any levee fund certificate, certify to such holder the amount that has been collected and paid on the same from special assessments, both principal and interest.

SEC. 19. Immediately upon full payment and surrender of any levee fund certificates, the Treasurer shall cancel the same and keep a record thereof, and deliver the same to the Comptroller, who shall give the Treasurer a receipt therefor; but when all the special assessments represented by a series of such certificates have been fully collected so far as possible, with interest thereon, and all sums collected have been distributed as aforesaid, such certificates shall be surrendered and cancelled, and if not surrendered, shall nevertheless be void.

SEC. 20. The board of public works may sell such levee fund certificates at such price not less than the face value of the amount of special assessments represented by said certificates, as may be obtainable, and shall determine the manner and means of such sale. Such certificates shall be delivered by the City Treasurer to the purchaser, upon payment therefor, upon the order of the board of public works, specifying the price, which order shall be countersigned by the Comptroller, who shall keep a record thereof, and the proceeds of such certificates so sold, shall be used for payment for land purchased or condemned for the purposes of this article, and for the work to be done and improvements made and constructed for which the special assessments were made on which such certificates are issued; and any surplus remaining after all such payments are made in full shall accumulate for the use of the levee district or districts in which the improvements are situated for which such certificates were issued; but such certificates may, by agreement, be issued directly in payment for the land purchased, taken or condemned and for the work done and improvements made or constructed, on account of which the said certificates were issued.

SEC. 21. Any excess in the cost of any work done or improvements made or constructed in any levee district or districts hereinbefore provided, above the estimate of the cost of

the same made by the board of public works, shall be paid by the city out of the funds of such levee district or districts not otherwise appropriated, and in default of any such unappropriated funds, shall be paid out of the general fund of the city, unless said excess shall have been otherwise provided for by the city.

SEC. 22. It shall be the duty of the City Treasurer, Comptroller and said board of public works, at all times to protect such levee fund certificates by all means provided therefor, and said City Treasurer shall pay all sums collected from special assessments as aforesaid to the holders of such certificates issued thereon, and shall pay the same promptly on demand on the dates fixed for the distribution thereof, as provided by ordinance.

SEC. 23. The city shall pay all costs of proceedings under this article to take or damage private property, or to levy assessments for benefits in payment of land, and other rights, purchased and condemned as herein provided, and for work to be done and improvements to be made except cost of proceedings for collecting overdue assessments, which shall be taxed against the real estate upon which said assessments are levied, except the cost upon appeals, which shall be paid by the party unsuccessfully prosecuting the same: and the City Counselor shall, personally, or by any of his assistants, and as a part of his duties as such counselor, conduct all the court proceedings under this article.

SEC. 24. When any work is done, improvements made, or lands purchased, and payment therefor is to be made in special assessments, as provided in this article, the city shall in no event, nor in any manner whatever, be liable for or on account of such work done or improvements made or land purchased, by reason of the invalidity or error in any such special assessments, nor liable in any manner for the payment of the same.

SEC. 25. After the conclusion of any proceeding instituted by virtue of an ordinance of the Common Council as hereinbefore set forth, providing for the construction of any levee, dike, drain, or other works, or system of levees, dikes, drains and other works, or other improvements, under the authority of this article, the board of public works shall let the contract or contracts therefor to the lowest and best bidder or bidders, subject to such rules and regulations as may be prescribed by ordinance; and every contractor for work or improvements done or made under authority of this article, shall give such bond for the faithful performance of such contract as may be prescribed by ordinance, such bond to be executed and approved

in the same manner as bonds given by contractors for other city work are required by the charter and ordinances of the city to be executed and approved.

The construction of all improvements and all work done, of every kind, under the authority of this article, shall be under the supervision, management and direction of the board of public works, and the same duties shall be required of the city engineer and his department as are required of his department in other public improvements of the city under the supervision, control and management of the board of public works; and the board of public works shall have power to superintend, control and manage the operation and maintenance of all such work and improvements as may be done or constructed under the authority of this article.

SEC. 26. The real estate, inclusive of improvements thereon constituting a part thereof, in any levee district or districts, may be specially assessed annually for maintaining and repairing any levees, dikes, drains or other works constructed therein, and such assessments may be made according to valuation and assessment for taxation of real estate in such levee district or districts made for general city purposes; *provided*, that any real estate which shall not be listed on the City Assessor's books for taxation for general city purposes, may, by ordinance of the Common Council, be listed and valued by the City Assessor for the purposes of this article; and provided further, that such annual assessments authorized by this section shall never exceed in any one year one mill upon each dollar of valuation as shown on the books of the city assessor as aforesaid. Every such assessment shall be made and collected as provided by ordinance of the Common Council, and the Common Council shall have the power to provide penalties for the failure to pay such assessments when due, and may provide for the sale of the property assessed to satisfy said assessments.

All other sums required to maintain such levees, dikes, drains and other works, and to carry into effect the provisions of this article, may be appropriated out of the general fund of the city.

SEC. 27. The Common Council shall have power to pass ordinances for the protection of the levees, dikes, drains and other works constructed under the authority of this article, and for the proper policing of the same, and to establish penalties for the violation of such ordinances; and shall have power to pass such ordinances, not in conflict with this article, or the constitution and laws of the State, as may be deemed necessary and expedient for more fully carrying into effect the objects and purposes of this article.

ARTICLE XIII.

Department of Parks and Boulevards.

SECTION 1. There is hereby established within the city a **department to be known as the department of parks and boulevards**, which shall be under the control and management of a board of park commissioners composed of three persons well known for their intelligence and integrity, and whose term of office shall be for a period of three years; provided, that the first commissioners shall so classify themselves by lot that the term of one of such commissioners shall expire at the end of one year, one at the end of two years, and one at the end of three **years from the third Monday in April of the year 1909**, and at the expiration of the term of each member, his successor shall be appointed by the Mayor for a term of three years from the date of expiration of the official term of his predecessor; Provided, further, that the members of the board of park commissioners of said Kansas City in office at the time this charter goes **into effect shall become and constitute the first board of park commissioners hereunder**, and shall hold office until the expiration of the terms for which they were originally appointed. Said commissioners shall serve without compensation.

The first board appointed hereunder shall organize by electing one of its members president, and the members of said board shall annually thereafter elect one of their number as president of said board; each president elected hereunder shall hold his office for one year and until his successor is elected.

The board shall hold regular meetings at least once each week, and as many special meetings as it may deem proper, and two members of said board shall constitute a quorum for the transaction of business, and an affirmative vote of at least two members shall be necessary to authorize any action of the board.

SEC. 2. Said board of park commissioners shall keep a record of its proceedings, and shall appoint a secretary who shall not be a member of the board, and who shall hold office at the will of the board. It shall be his duty to keep all records of the board and to make such reports thereof as may be required by the board. In the absence or disability of the secretary, the board may appoint or deputize a secretary *pro tempore*, who shall perform the duties of the secretary.

The records of the board of park and boulevard commis-

sioners, and of the board of park commissioners, as heretofore constituted under previous charters of said city, and kept by the secretaries of said boards, as well as all records of the board of park commissioners hereby created and constituted kept by the secretary of said board of park commissioners, or copies of any such records when duly certified to by the secretary of said last named board shall be competent evidence of the proceedings of said board.

SEC. 3. The board shall also appoint a chief executive officer under the board who may or may not be a landscape architect and who shall hold office at the pleasure of the board, and who shall, in behalf of said board, have charge, supervision, and direction of all work, and of all officers and employes under said board, and may dismiss any officer or employe under him, except the secretary of the board.

Said board of park commissioners may, also, subject to the civil service laws, rules and regulations, prescribed by and provided for in this charter, appoint and employ such other officers and employes as it may deem necessary, and shall prescribe and fix their duties.

SEC. 4. The president, and in his absence or disability, any other park commissioner appointed president *pro tempore* by resolution of the board, is authorized to sign, execute and acknowledge in the name of the board, all maps, plats, contracts, or documents of any character required or authorized by this article, and to sign requisitions upon the Auditor for warrants upon the City Treasurer for funds under control of, and to be expended by said board; all warrants shall be countersigned by the secretary, and in his absence or disability, by some member of the board, other than the president or president *pro tempore*. Said board shall have power, and it shall be its duty, to make by-laws, rules and regulations for the orderly transaction and conduct of its business, and to make and enforce contracts in the name of the city to carry out the purposes expressed in this article.

SEC. 5. Said board of park commissioners shall have power, and it shall be its duty, to devise and adopt a system of public parks, parkways and boulevards, for the use of the city and its inhabitants, and to select and designate lands to be used and appropriated for such purposes within or without the city limits, and to select routes and streets for boulevards, and to cause the same to be opened, and widened, as hereinafter set forth, and, by and with the approval and authority, by ordinance,

of the Common Council, to lease, purchase, condemn or otherwise acquire, in the name of the city, lands for parks, parkways, boulevards, or public squares, and, by and with the approval and authority, by ordinance, of the Common Council, to establish, change, or re-establish the grade of any boulevard or parkway, and to require any railway upon or across such boulevard or parkway to be brought to the grade so established, changed or re-established.

No change shall be made in the grade of any street upon which any park land abuts, unless the board of park commissioners shall approve such change of grade.

SEC. 6. Said board of park commissioners shall also have power to superintend, control and manage any and all parks, parkways, and boulevards, belonging to or under control of the city, and such other public grounds and thoroughfares as may, upon recommendation of the board of park commissioners, be placed under control and management of said board, and to construct, improve, adorn, regulate and maintain the same in such manner as it may deem best, and to establish a width of sidewalks on all boulevards and parkways. And the Common Council shall have power, and it shall be its duty, upon the recommendation of the board of park commissioners, to pass ordinances for the regulation and orderly government of such parks, parkways and boulevards, and to prescribe fines and penalties for the violation of such ordinances. And the common council may, upon the recommendation of the board as aforesaid, regulate the traffic on all boulevards, parkways, avenues or roads under the control of said board, and it may regulate the width of tires on all vehicles used on or passing over the same, and may exclude heavy traffic or any kind of vehicle therefrom.

SEC. 7. The territory within the city limits, as said limits are described in this charter and so long as said limits remain unchanged, is hereby divided into five park districts, to be known as: "West Park District," "North Park District," "South Park District," "Westport Park District," and "East Park District;" the boundaries of which park districts shall be the same as those heretofore established for the said park districts under the charter of Kansas City and ordinances thereof, in effect prior to the adoption of this charter, and which boundaries are and shall be as follows:

Of the West Park District: Beginning at a point where the western boundary line of the State of Missouri intersects the center line of the main channel of the Missouri river; thence eastwardly with the meanderings of the center line of the main

channel of the Missouri river to the intersection with the prolongation north of the center line of Delaware street; thence in a southerly direction along the prolongation north of the center line of Delaware street, and the center line of Delaware street to the center line of Ninth street; thence eastwardly along the center line of Ninth street to the intersection with the center line of Main street south of the junction of Main and Delaware streets; thence in a southerly direction along the center line of said Main street to the south line of the north half of section number seventeen, township number forty-nine north, range number thirty-three west; thence west along the center line of and through sections number seventeen and eighteen in said township and range to the western boundary line of the State of Missouri; thence north along the western boundary line of the State of Missouri to the point of beginning.

Of the North Park District: Beginning at a point where the center line of Delaware street produced north intersects the center line of the main channel of the Missouri river; thence southwardly along the center line of Delaware street to the intersection with the center line of Ninth street; thence eastwardly along the center line of Ninth street to the intersection with the center line of Main street south of the junction of Main and Delaware streets; thence in a southerly direction along the center line of Main street to the intersection with the center line of Fifteenth street; thence eastwardly along the center line of Fifteenth street to the center line of the east half of section number three, township number forty-nine north, range number thirty-three west; thence north along the center line of the east half of said section number three to the north line of said section number three; thence north and parallel with the center line through the east half of section number thirty-four, township number fifty north, range number thirty-three west, to the north line of said section number thirty-four; thence east to a point one hundred and thirty feet east of the north and south center line of the east half of section number twenty-seven, township number fifty north, range number thirty-three west; thence north on a line parallel to the north and south center lines of the east halves of sections number twenty-seven and twenty-two, township number fifty north, range number thirty-three west, to the center line of the main channel of the Missouri river; thence westwardly with the meanderings of the center line of the main channel of the Missouri river to the place of beginning.

Of the South Park District: Beginning at the intersection of the center line of Fifteenth street with the center line of Main street; thence south along the center line of Main street to the

intersection with the south line of the north half of section number seventeen, township number forty-nine north, range number thirty-three west; thence east along the center line of and through sections number seventeen, sixteen and fifteen, said township and range, to the southeast corner of the west half of the northeast quarter of said section number fifteen; thence north along the center line of the east half of sections number fifteen, ten and three, said township and range, to the center line of Fifteenth street; thence west along the center line of Fifteenth street to the point of beginning.

Of the Westport Park District: Beginning at a point where the western boundary line of the State of Missouri intersects the southern boundary line of the West Park District in Kansas City, Missouri; thence south and along said western boundary line of the State of Missouri to a point one hundred and eighty feet south of and at a right angle to the south line of section number nineteen, township number forty-nine north, range number thirty-three west; thence east on a line parallel to the south line of section number nineteen, township number forty-nine north, range number thirty-three west, to a point one hundred and eighty feet west of the north and south center line of section number thirty, township number forty-nine north, range number thirty-three west; thence south on a line parallel to the north and south center line of section number thirty, township number forty-nine north, range number thirty-three west, to a point one hundred and eighty feet south of the east and west center line of section number thirty, township number forty-nine north, range number thirty-three west; thence east on a line parallel to the east and west center line of section number thirty, township number forty-nine north, range number thirty-three west, to a point one hundred and eighty feet west of the east line of section number thirty, township number forty-nine north, range number thirty-three west; thence south on a line parallel to the east line of section number thirty, township number forty-nine north, range number thirty-three west, to a point on the east and west center line of the south half of section number thirty, township number forty-nine north, range number thirty-three west; thence east along the center line of the south halves of sections number thirty, twenty-nine, twenty-eight and twenty-seven, township number forty-nine north, range number thirty-three west, to a point one hundred and sixty feet east of the west line of section number twenty-seven, township number forty-nine north, range number thirty-three west; thence north on a line parallel to the west line of sections number twenty-seven and twenty-two, township number forty-nine north, range number thirty-three west, to a point

one hundred and sixty feet south of the north line of section number twenty-two, township number forty-nine north, range number thirty-three west; thence east on a line parallel to the north line of section number twenty-two, township number forty-nine north, range number thirty-three west, to a point one hundred and sixty feet east of the north and south center line of section number twenty-two, township number forty-nine north, range number thirty-three west; thence north on a line parallel to the north and south center lines of sections number twenty-two and fifteen, township number forty-nine north, range number thirty-three west, to a point one hundred and sixty feet south of the east and west center line of section number fifteen, township number forty-nine north, range number thirty-three west; thence east on a line parallel to the east and west center line of said section number fifteen to a point one hundred and sixty feet east of the north and south center line of the east half of section number fifteen; thence north on a line parallel to the north and south center line of the east half of said section number fifteen, to the east and west center line of said section number fifteen; thence west along the east and west center line of the said section number fifteen and west along the southern boundary lines of the South Park District and of the West Park District in Kansas City, Missouri, to the point of beginning.

Of the East Park District: Beginning at a point where the east and west center line of section number fifteen, township number forty-nine north, range number thirty-three west, intersects the north and south center line of the east half of said section number fifteen, said last-described line being also the eastern boundary line of the South Park District in Kansas City, Missouri; thence east along the east and west center line of said section number fifteen, to a point one hundred and sixty feet east of the north and south center line of the east half of said section number fifteen; thence north on a line parallel to the north and south center line of the east half of section number fifteen, township number forty-nine north, range number thirty-three west, to a point one hundred and sixty feet south of the north line of section number fifteen, township number forty-nine north, range number thirty-three west; thence east on a line parallel to the north lines of sections number fifteen and fourteen, township number forty-nine north, range number thirty-three west, to a point one hundred and sixty feet east of the north and south center line of the east half of section number fourteen, township number forty-nine north, range number thirty-three west; thence north on a line parallel to the center line of the east halves of sections number fourteen and

eleven, township number forty-nine north, range number thirty-three west, to a point one hundred and sixty feet south of the north line of section number eleven, township number forty-nine north, range number thirty-three west; thence east on a line parallel to the north lines of sections number eleven and twelve, township number forty-nine north, range number thirty-three west, and section number seven, township number forty-nine north, range number thirty-two west; to a point one hundred and sixty feet east of the north and south center line of section number seven, township number forty-nine north, range number thirty-two west; thence north and parallel to the center lines of sections number seven and six, township number forty-nine north, range number thirty-two west to the north line of section number six, township number forty-nine north, range number thirty-two west; thence west along the north line of section number six, township number forty-nine north, range number thirty-two west, to the north and south center line of section number thirty-one, township number fifty north, range number thirty-two west; thence north and along the north and south center line of section number thirty-one, township number fifty north, range number thirty-two west, to the north line of section number thirty-one, township number fifty north, range number thirty-two west; thence west along the north line of section number thirty-one, township number fifty north, range number thirty-two west, and the north lines of sections number thirty-six, thirty-five and thirty-four, township number fifty north, range number thirty-three west, to a point on the eastern boundary line of the North Park District in Kansas City, Missouri; thence south along the eastern boundary lines of the North Park District and of the South Park District in Kansas City, Missouri, to the point of beginning.

Whenever and as often as the city shall extend or change its limits, the Common Council shall have power, by ordinance, upon recommendation of the board of park commissioners to divide the added territory into new park districts, or to add the same to districts already established.

SEC. 8. It shall be the duty of the board of park commissioners to provide at least one park in each park district, and to purchase or otherwise acquire, with the concurrence of the Common Council, as herein provided, real estate therefor; and the common council is hereby authorized and empowered to provide by ordinance for the purchase, condemnation, or otherwise obtaining of land within the city limits, and for the purchase or otherwise obtaining of land without the city limits, for public parks, parkways, and boulevards, and to establish the

same, provided the acquisition of such land for such public parks, parkways and boulevards, and the establishment of the same, be first recommended by the board of park commissioners. And whenever said board shall select and recommend to the common council any acquisition of any land for parks, public squares, parkways or boulevards, it shall be the duty of the common council upon such recommendation to proceed forthwith, by ordinance, to provide for the establishment and acquisition by purchase, condemnation or otherwise, as it may deem best, of such land for parks, parkways or boulevards as may be selected by said board of park commissioners. Payment for any such land so selected and acquired, whether within or without the city limits, may be made out of the general fund, or by the issue and sale of bonds of the city as may be provided by ordinance of the Common Council subject to the constitution and laws of the State; or payment for land so selected and acquired for such purposes within the city limits may be made as hereinafter provided.

SEC. 9. The parks, parkways, public squares and boulevards, established in any park district or districts within the city limits, whether acquired by purchase or condemnation, may be paid for by special assessments upon the real estate situated therein found benefited thereby as hereinafter authorized. Such special assessments may be made payable in such manner and at such time or times as may be provided by ordinance of the common council upon the recommendation of the board of park commissioners.

If the Common Council, with the concurrence or the board of park commissioners, shall, by ordinance, find and determine that the establishing of any park, parkway or boulevard, is a benefit to more than one park district, or part or parts thereof, the cost thereof may be assessed upon the real estate found benefited in such park districts.

SEC. 10. Whenever the Common Council, upon the recommendation of the board of park commissioners shall provide by ordinance for the purchase or condemnation of any real estate selected for a park, or for the opening, widening or extending of any boulevard or parkway, or part thereof, or for constructing and maintaining any viaduct or bridge for public use, or any parkway or boulevard, or for establishing, opening, widening, extending or altering any route or right-of-way for a sewer or for a channel of any water course necessary for the maintenance of a park or a park system, in whole or in part, and it becomes necessary to take or damage any private property for any such purpose, said Common Council shall, by ordinance,

describe the private property to be purchased, taken or damaged; and in case the same is to be paid for by special assessments upon real estate, shall designate the time and mode of payment of such assessments, and shall also prescribe the limits within which private property shall be deemed benefited by the proposed improvement, and be assessed and charged to pay compensation therefor, which benefit district may include one or more park districts, and part or parts of such district or districts. And in said ordinance, separate description of each piece or parcel of property shall not be required, but it shall be sufficient description of the property to be purchased, taken or damaged, to give a description of the entire tract by metes and bounds whether the same shall be composed of one or more than one piece or parcel. Thereupon, the city engineer, or his assistants, aided by the landscape architect or his assistants, shall make out and deliver to the board of park commissioners, a statement, by map, plat, or otherwise, containing a correct description of the several lots or parcels of private property to be purchased, taken or damaged, and containing also the names of the owners, so far as known, of such lots or parcels of land, if any, to be taken or damaged, or of any estate or interest therein, who may be such at the time of the taking effect of the ordinance providing for the taking or damaging of such private property. The proceedings for the taking or damaging of such private property for public use as herein provided and the assessments of benefits to pay for the property so purchased, taken or damaged, if the same is to be paid for by special assessments upon real estate, shall be heard and determined by the circuit court of Jackson County, Missouri, at Kansas City.

SEC. 11. When the board of park commissioners shall file or cause to be filed a certified copy of such ordinance referred to in the preceding section, in the circuit court, or with the clerk thereof, such court shall thereupon, and upon application of the city, make an order appointing a day and place for empaneling a jury to ascertain the compensation for the property taken or damaged, and, if the same is to be paid for by special assessments upon real estate, to make assessments to pay for the property to be taken, purchased or damaged, as the case may be; which order shall recite such ordinance, or the substance thereof, and shall be directed to all persons whom it may concern, without naming them, notifying them of the day and place fixed for the empaneling of a jury, and for the ascertaining of the compensation to be paid for the property to be taken or damaged and the amount of benefits, if any, to be assessed to pay therefor or for the property purchased.

A copy of such order shall be published in a newspaper at the time doing the city printing, for four successive weeks, the last insertion to be not more than one week prior to the day so fixed for said hearing. The court may, at the time of making such order, or at any time before the hearing, further order that the parties owning or having an interest in the real estate proposed to be taken or damaged, be served with a copy of said order, either by delivering to each of such owners or parties interested at any time before the day fixed therein for a hearing, a copy of the order or by leaving such copy at their usual place of abode with some member of their respective families over the age of fifteen years; and in case of corporation, by delivering a copy to the president, secretary, or some managing officer thereof, or to any agent of such corporation in charge of any office or place of business of such corporation.

If service of such notice cannot be made on any or all of such parties as above described, within said city, when personal service is ordered by said court, the return on such notice shall so state, and thereupon an alias order specifying a different date may be made by said court, if deemed advisable, notifying such unserved parties of the fact as in case of the original notice above provided. Said cause may be continued or postponed from time to time as in civil causes in said court. It shall not be required in any case to bring in any person other than the owners of the property or those interested therein, who were such at the time of the taking effect of such ordinance; and the parties claiming or holding through or under such owners, or parties interested, or any of them, shall be bound by the proceedings as fully as if they were brought in; but any persons having an interest in the real estate to be affected by the said proceedings, may, upon application and entering their appearance, be made parties thereto; but no notice of such proceedings shall, in any case, be necessary to the validity thereof, except the publication of the order as herein provided. Notice so given by publication shall be sufficient to authorize the court to hear and determine the cause and to make any finding or order, or render any judgment therein, as fully as though all the parties interested at the time of the taking effect of such ordinance, or at any time thereafter, had been sued by their proper names, and had been personally served.

Affidavit by the publisher, manager, or any person connected with the newspaper in which such order was published, accompanied with a printed copy of the notice shall be *prima facie* evidence of the publication of such order as herein required.

The service of such notice or order, when so ordered by

the court, may be made by a policeman of the city, or by any constable or officer authorized to serve judicial writs; and any return of service by a policeman, constable or other officer, shall be evidence of the facts therein stated.

SEC. 12. If any incorporated company which may be interested in the whole or in any part of the land to be taken or damaged by the said proceedings, be entitled, under the law of the land, to trial of its claim for compensation therefor by a common law jury of twelve men, it may at any time prior to the day fixed as herein provided for empaneling a jury, file in the office of the clerk of said court, a petition in which it shall state the description of the property owned or claimed by it so to be taken or damaged and the amount and nature of its claim therefor and may further state that it demands a trial before a common law jury of twelve men of its claim for compensation therefor; and if any such incorporated company shall not so file such petition before such date, it shall be deemed and taken to have waived its right of trial by a jury as aforesaid of such issue. And if any incorporated company which may under the law of the land be entitled to a trial by jury as aforesaid, shall file such petition, then the court shall cause such jury to be empaneled for the trial of such claim; and the issues to be tried by such jury shall be the actual value of the land of such claimant taken, if any, and the amount of damage to the land of such claimant not taken, by the public use thereof, and by the use of the land taken for the purposes for which it is taken, including all that the city may, from time to time, do or cause to be done, with or upon the private property so taken or damaged. If two or more such incorporated companies interested in the land to be taken or damaged as aforesaid be entitled to trial by a common law jury as aforesaid, and shall make demand therefor as aforesaid, the court may, in its discretion, as may appear expedient, order that all such claims shall be tried at the same time before one jury, and said cause or further proceedings in the same shall be continued from time to time by the court until such issue or issues shall have been determined by the verdict of said jury.

Provided, that any party to such issue which may feel aggrieved by the verdict of said jury may, within four days after the rendition of the same, file its motion for a new trial and in arrest of judgment, and said motion or motions shall be heard without delay, and after hearing the same, the court may overrule the same, or may order a new trial of such issue or issues on good cause shown; but no appeal from the judgment of the court overruling such motion shall be had therein until

the final judgment of confirmation of the entire proceedings by the said court as hereinafter provided.

After the rendition of the verdict of such common law jury of twelve men, and after the hearing of the exceptions thereto on the motions for new trial or in arrest of judgment, if any there be, or if no such jury trial be demanded, then upon the day fixed by the order and notice aforesaid for empaneling a jury, or upon any day thereafter to which said cause may have been continued, as aforesaid, the court shall empanel a jury of six freeholders and the cause shall proceed before such jury of freeholders empaneled to try the same as set forth in the next succeeding section.

SEC. 13. Said court shall, upon the day fixed therefor, or upon some subsequent day, to which said cause may have been continued, empanel a jury of six freeholders of the city, who shall not be interested in the property to be taken, purchased or damaged, who shall receive the same compensation as other jurors in said court; and said jurors, upon entering upon their duties as such, shall make oath before the clerk of said court that they will faithfully and impartially ascertain the actual damages or just compensation to be paid in each case separately, as well as the benefits, if any to be assessed, under such instructions as shall, after hearing the parties, be given them by the court. And if there shall be minors, incompetents, or any other person under guardianship interested in any of the lands to be taken or damaged, or the lands to be assessed, such persons may appear by their guardians, or the court may, upon application, appoint guardians *ad litem*, who may appear in their behalf, but the failure of any such persons to so appear or to be represented by guardians *ad litem* as aforesaid, shall not in any manner affect the validity of the proceedings. The parties interested may submit evidence to said jury of freeholders and such jury may examine personally each piece of property described on such map or plat furnished as aforesaid by the city engineer, or his assistants, to the board of park commissioners, and all property claimed to be damaged; and such jury may examine personally the property, if any, to be assessed with benefits, and the city engineer, or the landscape architect, or any assistant of either of them, may accompany such jury for the purpose of pointing out the property aforesaid; and the court may continue the proceedings from day to day, or adjourn to a future day. The party owning any property taken may remove any improvements thereon, and this provision may be taken into consideration by the jury in assessing damages.

SEC. 14. The jury shall ascertain the just compensation to be paid as follows:

FIRST: For each piece of private property taken, when the public use thereof shall be such that the city must have exclusive control thereof, as in the case of a public park, public square, parkway or boulevard, the actual value of the property taken; *provided*, that in case any claim for compensation shall have been tried and ascertained by a common law jury as provided in section twelve of this article, any jury of freeholders in said proceeding shall accept and adopt the valuation or assessment of damages for any land taken or damaged as assessed by said common law jury, and shall so recite the same in and as a part of any verdict thereafter rendered by any such jury of freeholders.

SECOND: For each piece of private property taken when the public use thereof may be such that the city need only have such possession and control as shall not wholly exclude the beneficial use thereof by the owner or owners, as in the case of a viaduct, bridge, or route for a sewer, and right-of-way therefor, the actual damage from the public uses specified in the ordinance.

THIRD: For all damages to each piece of private property not actually taken so as to give the city possession or control of the same, the actual amount of damages such private property may sustain from the use of the private property taken for the public use for which it may be taken, including all that the city may from time to time do or cause to be done with or upon the property so taken.

SEC. 15. If the land to be purchased, taken or damaged as aforesaid, is to be paid for by the assessment of benefits upon real estate, whether the land acquired is to be condemned or purchased, the jury of freeholders, to pay compensation for the land purchased, taken or damaged, shall estimate the amount of benefit to the city at large, inclusive of any benefit to the property of the city, and shall estimate the value of the benefit of the proposed improvement to each and every lot, piece and parcel of private property, exclusive of the buildings and improvements thereon, within the benefit district, if any benefit is found to accrue thereto; and in case the total of such benefits, including the benefits assessed to the city at large, equals or exceeds the compensation assessed, or to be paid for the property purchased, taken or damaged, then said jury shall assess against the city the amount of benefits to the city as aforesaid, and shall assess the balance of the cost of such improvement against the several lots and parcels of private property found benefited, each lot or parcel of ground to be assessed with an amount bearing the same ratio to such balance as the benefit to each lot or parcel bears to the whole benefit to all the private property assessed.

SEC. 16. The jury of freeholders shall render a verdict which shall show:

FIRST: A correct description of each piece or parcel of private property taken, if any, and the value thereof, and of each piece or parcel of private property damaged, and the amount of injury thereto; and in case the property to be taken or damaged is to be paid for out of the general fund, or out of the funds belonging to the park district in which the same is situated, or from the issue and sale of bonds of the city, and not by the assessment of benefits against real estate, no further finding of the jury shall be necessary.

SECOND: If the property purchased, taken or damaged is to be paid for by the assessment of benefits upon real estate, the verdict of said jury shall also show, in compensation for the property purchased, taken or damaged, the amount, if any, assessed against the city, which shall stand as a judgment against the city, and shall show the amount of benefits assessed against each piece and parcel of private property found benefited within the benefit district.

The city engineer, city assessor, and landscape architect, or their assistants, shall, when required, aid said jury of freeholders to put its verdict in proper form; and said jury may use the books, plats and records in the office of the city assessor for such purpose, and if the jury shall find that any number of tracts or parcels of land within the benefit district are benefited ratably in proportion to the assessed value thereof as shown by the books of said assessor, they may so assess the same; and said jury shall not be discharged until its verdict shall have been reviewed by the court and is correct in form. Said verdict shall be signed by each of said jurors, and the verdict of said jury may be reviewed by said court, and said jury may be required by the court to correct any errors of description or other clerical errors; and the court may, on its own motion, or may on the motion of the city, or of any party interested in the proceedings, filed within four days after the rendition of the verdict, for good cause, set aside the verdict of said jury of freeholders, and thereupon, without further notice, may appoint a new jury of freeholders to make a new appraisement or assessment, and fix a time and place for empaneling such other jury and for a rehearing of the whole matter; *provided*, that the verdict of any common law jury theretofore rendered in such proceeding, fixing the compensation to be paid to any incorporated company shall be accepted by such new jury of freeholders as part of its finding.

SEC. 17. The verdict, unless set aside as aforesaid, shall be confirmed and judgment entered thereon that the city have and hold the property sought to be taken upon payment of the compensation assessed therefor, for the purpose specified and the ordinance providing for said improvement, and that the city pay the benefits assessed against said city, that the city recover the respective amount assessed against private property, and that the several lots and parcels of private property, and that the several lots and parcels of private property so assessed to pay compensation for the verdict stand severally charged and be bound for the payment of the respective assessments and the interest that may accrue thereon; and if said assessments are, by the ordinance aforesaid, made payable in more than one installment, the judgment shall so recite. Such judgment shall be by the clerk docketed and indexed in the books used for that purpose. And if such assessment, or any portion thereof, against any tract or parcel assessed, or any portion thereof, be not paid and discharged when the same becomes due or collectible, and shall be in default as hereinafter provided, the collection of the same may be enforced by special execution or executions against the lot, tract or parcel of land charged with the lien thereof; and such execution or executions shall issue upon the filing of the statement of the city treasurer with the clerk of the court, showing what assessments are unpaid and collectible, and against what lots and parcels of land, and the amount or amounts due and collectible thereon.

The proceedings under such special execution or executions, shall, as far as practicable, conform to the proceedings under special executions on ordinary judgments foreclosing liens on lands, and any such execution herein authorized shall be deemed sufficient if it recites the date of the judgment, the amount assessed remaining unpaid against the tract or tracts described in such execution, states that such tract or tracts were assessed to pay compensation for private property purchased, taken or damaged for public use, as provided in the ordinance ordering such improvement, giving the title and date of the taking effect of such ordinance, and commands the sheriff to sell each tract or parcel of property described in said execution, or so much thereof as may be necessary to satisfy the assessment, interest and costs of such execution and sale. And any number of tracts and parcels included in one judgment may be sold under one and the same execution, and at the same time, and in pursuance of one notice of sale, in which case the costs of such execution and sale shall be apportioned against the several tracts and parcels in proportion to the number of the same, included in such execution; but on any such judgment execu-

tion may, at the instance of the city, issue against one or more tracts separately at different times, or two or more tracts may be included in one execution.

Upon sales made by the sheriff under any special execution he shall issue to the purchaser a certificate of purchase setting forth the substance of such special execution so far as it relates to the property described in such certificate, the date of sale, the purchaser, and the property sold, and the amount bid. Such certificate of purchase shall be delivered by the sheriff to the purchaser on payment of the amount bid, which certificate shall be executed and acknowledged by such sheriff before some officer authorized to take acknowledgments of instruments affecting real estate, and shall be filed for record in the office of the recorder of deeds of Jackson County, at Kansas City, within six months after the date of the same. If the property so sold be redeemed within one year from the date of such sale by the owner or a party interested in said property by payment to the sheriff of the amount due on said judgment, together with any taxes that may have been paid by the purchaser after such sale, and before redemption, including interest on said amounts at the rate of ten per cent per annum and costs up to the date of the redemption, no deed shall be given by the sheriff. The holder of said certificate of purchase, prior to the redemption thereof, shall have the right to pay general and special taxes and special assessments against the property described in said certificate of purchase when the same are due and payable, and shall deliver the receipt or receipts therefor to the sheriff, and any redemption by the owner or party interested in such property shall include the amount of such payments with interest thereon as above provided. Upon such redemption as herein provided of any lot or parcel of land sold under special execution, the sheriff shall give a certificate of redemption describing said lot or parcel and acknowledging receipt in full of such judgment, interest and costs, which shall be executed and acknowledged by such sheriff before some officer authorized to take acknowledgments of deeds to real estate, and the cost thereof shall be included in the cost of such redemption. If the lot or parcel of land so sold be not redeemed as herein provided, a deed shall be given at the end of one year from the date of said sale by the sheriff to the holder of said certificate. Such deed may be given to the original holder or his assignee, and shall vest in the grantee all the right, title, interest and estate in the lot or parcel so sold.

SEC. 18. Any party aggrieved by any verdict and judgment aforesaid may take an appeal therefrom by filing such affidavit as is required in the appealing of civil cases and filing

a bond in such sum and with such security as may be approved by the circuit court, or judge thereof, conditioned that the party appealing, should the judgment be affirmed by the appellate court, or such appeal be dismissed, pay all costs of such appeal. The bond and affidavit for such appeal, however, shall be filed within twenty days from the rendition of the judgment of confirmation of the verdict, and the appeal shall be perfected within sixty days from the date of said judgment, unless further time be granted by the court. In case of appeal, the judgment shall stand suspended until the appeal is disposed of, and no interest shall be allowed or collected on the judgment or on the assessments until such judgment be affirmed or appeal be dismissed. No writ of error shall be allowed. The clerk of the appellate court shall put such case on the docket for hearing at the next term of that court after the appeal is allowed. No error nor defect not affecting the rights of the appellant shall work a reversal of the judgment.

SEC. 19. The Common Council shall have the power, with the concurrence of the board of park commissioners, at any time before any of the parties assessed with benefits shall have paid the amount so assessed, to repeal the ordinance ordering the proposed improvement, if such repeal be deemed for the best interests of the city; and in such event the judgment for compensation and benefits shall be void.

SEC. 20. After the judgment of confirmation of such verdict and proceedings, the clerk of said court shall certify under the seal of said court to two copies of said verdict, one of which copies he shall deliver to the City Treasurer and one to the Comptroller, and said assessment for benefits, if any, against private property, shall be a lien from the date of the taking effect of the ordinance in pursuance of which said assessments are made, and such proceedings instituted, and shall attach to the several lots or parcels of land so assessed with benefits as aforesaid; and said lien shall continue against each lot or parcel assessed until the assessment against such lot or parcel has been paid or collected in full, both principal and interest. No assessment shall be defeated or affected by any irregularity affecting any other assessment or from the rendering of any other assessment invalid in whole or in part.

SEC. 21. Said assessments shall be payable in one installment, or in such number of annual installments as may be determined by the Common Council upon the recommendation of the board of park commissioners, such determination to be de-

clared in the ordinance of the Common Council under which said proceedings are instituted. All assessments confirmed by the circuit court during any year ending with the thirtieth day of April, if payable in more than one installment, shall have their first installment due on the thirtieth day of June next following, and the successive installments shall be due on the thirtieth day of each succeeding June until all shall have been paid, with interest as provided by law; provided, that assessments payable in one installment shall be payable without interest within sixty days after said judgment of confirmation thereof, and if not so paid, shall bear interest at the rate of eight per cent per annum from the date of the confirmation thereof, and execution may issue thereon. Installments of all assessments payable in more than one installment may be paid without interest within sixty days after the date of the judgment of confirmation of the verdict of the jury making said assessment; but if not so paid, they shall bear interest at the rate of six per cent per annum from the date of said judgment of confirmation thereof, and such interest shall be due and payable annually on the thirtieth day of June of each year; provided, however, that the owner of the property charged with the payment of such assessment or any installment thereof, or the owner of any interest therein, shall have the privilege of paying such assessment in full, or any installment thereof, at any time by paying all the interest thereon to a date six months after the date of said payment, except only as to any installment due within six months from the date of such payment, upon which installment interest shall be paid to maturity thereof; and on and after the first day of June of each year any statements made by the City Treasurer of taxes due or payable on any real estate shall include all assessments or installments thereof or interest thereon, due on the thirtieth day of June of said year, and the City Treasurer shall receive payment thereof at the same time with the payment of city taxes. All installments of assessments and interest on any such installments, if not paid at maturity, shall bear interest thereon at the rate of eight per cent per annum until paid; and if any installment of any assessment, payable in more than one installment, or if interest on any installments be not paid at maturity and shall remain in default for three months thereafter, then all the unpaid installments and interest shall be collectible, together with interest thereon at the rate of eight per cent per annum from the date of the maturity of said interest or installment in default, and special execution or executions may issue as aforesaid for the collection of all the installments and interest unpaid and the costs of such collection. Provided, that the owner or party interested may pay to

the City Treasurer at any time before special execution has issued against his land, the amount of the installment or installments and interest in default with interest thereon at eight per cent as aforesaid, in which case the installments not then due shall not be affected by such default.

Nothing in this section contained shall affect or change the rate of interest upon any assessment or installments of assessments made under the charter of Kansas City prior to the adoption of this charter and still unpaid, but all assessments and provisions thereof shall be and remain in full force and effect until the same have been paid in full.

SEC. 22. The City Treasurer shall keep a record of all special assessments charged against lands hereunder. All assessments and interest thereon shall be payable at the office of the City Treasurer at any time before special execution has issued thereon, and thereafter they shall be payable to the sheriff with costs, at any time before the date of sale. The City Treasurer shall receive payment of assessments on part of any lot, parcel or piece of land, or of any undivided interest therein, or on the whole, in the same manner and to the same extent as in the case of the payment of city taxes or special tax bills, and shall make entry on his books accordingly, showing on what lot, piece or parcel of land payment has been made. When any person shall pay an assessment or installment, or part thereof, it shall be the duty of the City Treasurer to sign a receipt and duplicate receipt therefor; but it shall be sufficient if the amount paid be shown as stated in the receipt given for city taxes. The treasurer shall immediately deliver all such receipts to the city Auditor, whose duty it shall be to countersign and deliver the original receipt to the payor, and retain the duplicate, from which he shall, from day to day, make a perfect record and account showing what sums have been received by the Treasurer for each park district, and on account of what improvement. And it shall be the duty of the city treasurer to include in any statement of taxes due on any real estate, any special assessments or installments thereof, or interest thereon which may be due on said real estate. Payment of said assessments in full to the city treasurer as provided in this section shall operate as a satisfaction of the judgment therefor, and the lien on the land charged therewith. The rebates provided for the payment of city taxes before the same are due shall not apply to assessments collected hereunder.

SEC. 23. The city treasurer shall collect said assessments and all interest thereon and hold all moneys collected therefrom, or by sale of lands under execution as aforesaid, upon special

trust to apply the same in payment of land purchased, taken or damaged as aforesaid, or in payment of park fund certificates as hereinafter provided; and any balance or surplus resulting after all such payments, shall accumulate for the use of the park district or districts, and may be applied and used by the board of park commissioners in its discretion. It shall be his duty to keep a separate and full account for each list of special assessments growing out of a separate proceeding as aforesaid, of all moneys received and paid out, and of all park fund certificates, if any, issued thereon, and of the payment and cancellation of the same, and of the distribution of dividends made thereon, as hereinafter set forth; and he shall make report thereof each year as part of his annual report to said city; and shall publish the same with his annual statement.

And the Comptroller shall publish the same with his annual statement, and the Treasurer shall make a full report as to each list of special assessments growing out of each separate proceeding as aforesaid at the date when the installment thereof becomes due, which report shall show the amount of such assessments still unpaid, together with the tracts or parcels of land against which said assessments stand, and it shall be his duty to proceed to the collection of all such delinquent assessments in the manner provided in Section 17 of this article; provided, that if the holder of a majority of any series of park fund certificates issued in pursuance of this article, shall require the collection of any installments of any special assessments that may be delinquent, upon which said series of park fund certificates are based, it shall be the duty of the city treasurer to make out a list of such delinquents and proceed to the collection of the same as aforesaid.

Any moneys received from special assessments upon which no park fund certificates have been issued, shall be applied directly to the purposes for which said assessments were made; but the City Treasurer shall hold all funds collected from special assessments with interest thereon, if any, including annual assessments for maintenance of parks and boulevards within each park district until the same are applied to the purposes for which said assessments were made; and he shall be responsible for the safe keeping of said funds to the same extent as for other city funds, and shall keep separate accounts for each park district, and all interest accruing on daily balances shall be credited to such funds for each district; and for any breach of duty by the Treasurer or Comptroller, prescribed in this article, they shall respectively be liable for a breach of duty as in respect to other city funds; and the bond required for the treasurer for the faithful discharge of his duties shall be held

to cover also the duties regarding all moneys collected from special assessments as aforesaid, and his duties as trustee hereunder, and his bondsmen shall be liable for any breach of said trust or said duty.

SEC. 24. After the confirmation by the circuit court, or appellate court on appeal, as hereinbefore provided, of any verdict in any proceeding in which special benefits are assessed against real estate as compensation for property purchased, taken or damaged for park purposes, the common council, upon the recommendation of the board of park commissioners, and for the purpose of raising money in advance of dates when assessments are due, to pay for land purchased, taken or damaged, may provide by ordinance that the city treasurer shall issue park fund certificates in amount not to exceed the total amount of assessments against the private property shown in any such verdict and unpaid at the expiration of sixty days from the confirmation thereof as aforesaid. Such certificates shall be in such form and for such sums as may be provided by ordinance, and shall be either payable to the order of the registered holder or be payable to bearer. Any such certificate shall entitle the holder or owner thereof to his proportionate share as shown by such certificate, of the special assessments and the interest thereon, as the same are collected, upon which such certificates are issued, and shall so specify.

Distribution of the amounts collected upon said special assessments, including interest, shall be made to the holder or holders of such certificates *pro rata* at least semi-annually, at such specified dates as may be provided in the ordinance authorizing the issue of the same, and the holder shall receipt for such payments; and the city shall be liable on such certificates to the holders thereof for the sums collected from the special assessments upon which said certificates are issued and not otherwise.

Should the purchaser or holder elect, said certificates shall be registered by the Comptroller in the name of the owner and his assigns from time to time, and the Comptroller shall certify such registration to the holder.

All park fund certificates issued on account of special assessments growing out of the same condemnation or assessment proceeding, including supplemental proceedings, which shall be considered a part of the original proceeding, shall be designated as a series; and if any series comprises more than one certificate, such certificates shall be numbered.

Each of such park fund certificates shall bear the certificate of the city treasurer and the attestation of the comptroller that the same is one of a series of certificates issued on account

of certain special assessments to which such series relates, and that such series is not in excess of the same; and the comptroller shall keep a record of all certificates issued in each series, and of all payments and dividends thereon, and shall publish the same in his annual statement, and also statements of the amounts received by the city treasurer from assessments; and shall, at the request of the holder of any park fund certificate, certify to such holder the amount that has been collected and paid on the same from special assessments, both principal and interest.

Immediately upon full payment and surrender of any park fund certificates, the Treasurer shall cancel the same and keep a record thereof, and deliver the same to the Comptroller, who shall give the Treasurer a receipt therefor; but when all the special assessments represented by a series of such certificates have been fully collected so far as possible, with interest thereon, and all sums collected have been distributed as aforesaid, such certificates shall be surrendered and cancelled, and if not surrendered, shall nevertheless be void.

SEC. 25. The board of park commissioners may sell such park fund certificates at such price not less than the face value of the amount of special assessments, excluding interest, represented by said certificates, as may be obtainable, and shall determine the manner and means of such sale. Such certificates shall be delivered by the city treasurer to the purchaser, upon payment therefor, upon the order of the board of park commissioners, specifying the price, which order shall be countersigned by the comptroller, who shall keep a record thereof; and the proceeds of such certificates so sold shall be used for payment for land purchased or condemned for a park or for park purposes, for the establishment of which the special assessments were made on which such certificates are issued; and any surplus remaining after all such payments are made in full shall accumulate for the use of the park district or districts; but such certificates may, by agreement, be issued directly in payment for land purchased, taken or damaged for parks or park purposes.

All payments made out of the city treasury for land purchased or condemned under this article, as well as payments made to the holders of park fund certificates issued hereunder, shall be made upon requisition upon the auditor for warrants signed by the comptroller, and for all payments made by the city to owners or parties interested in land so purchased or condemned, the comptroller shall take proper receipts from all such persons or from their duly authorized representatives.

SEC. 26. It shall be the duty of the city treasurer, comptroller, and said board of park commissioners, at all times to protect such park fund certificates by all means provided therefor, and said city treasurer shall pay all sums collected from special assessments as aforesaid to the holders of such certificates issued thereon, and shall pay the same promptly on demand on the dates fixed for the distribution thereof as provided by ordinance.

SEC. 27. When, by reason of any error, defect or omission in any proceedings that may be instituted under the provisions of this article, a portion of the private property sought to be taken, or some interest therein, cannot be acquired, or an assessment is made against private property which cannot be enforced or collected, said board of park commissioners may, and in case park fund certificates have been issued, shall, institute, carry on and maintain supplemental proceedings to acquire the right and title to such property or interest therein, intended to be taken by the first proceeding, but which cannot on account of such defect, error or omission, be acquired thereunder, or to properly assess against any piece or parcel of private property against which an assessment was in the first proceeding erroneously made, or omitted to be made the proper amount such private property, exclusive of the improvements thereon, is benefited by the proposed park or other improvements. to be determined by the verdict of the jury in such supplemental proceedings; and the original assessments may be revised, corrected, increased or diminished as may be necessary or equitable under the provisions of this article for the original proceedings. Such supplemental proceedings shall be instituted and conducted as to the particular piece or pieces of private property sought to be acquired or assessed, in like manner and with like effect as in the original proceedings, and shall be known and described as supplemental proceedings, for the purposes specified in the original ordinance: and a supplemental verdict and assessment shall be made, confirmed and two copies of the original verdict certified in every particular as in the original proceedings; and the assessments as established and corrected by such supplemental verdict shall be collected by the city treasurer in the same manner and under like conditions and restrictions, powers and duties as in the case of original proceedings, and remain and be pledged for the payment of park fund certificates, if any, that have been issued, or that may be issued thereon.

SEC. 28. The city shall not be entitled to the possession of any lot or parcel of property taken under the provisions of this article until full payment of the compensation therefor, as

determined, be made or paid into court for the use of the persons in whose favor such judgment may have been rendered, or who may be lawfully entitled to the same; and upon such payment as aforesaid, such circuit court, or judge thereof, in which proceedings were had, shall immediately order, adjudge and decree that the title in fee to, and every other interest in the land so condemned and taken for such park, road, boulevard, avenue or public use be divested out of such owner and other persons interested and vested forever in the city, to the use of such park district or districts; and the court shall thereupon, without delay, put the city in the possession thereof, and it shall be the duty of the City Counselor, within six months after the rendition of the judgment and decree vesting the title of such land in said city as aforesaid, to cause a duly certified copy of said judgment or decree to be filed and recorded in the office of the recorder of deeds for Jackson County, Missouri.

And subsequent legal proceedings shall not affect the title or possession of the city to said property so acquired, but shall only affect the question of damages and assessments for benefits, and the value to be fixed in such subsequent proceedings, if any, shall be as of the date of the original proceedings, and no improvements of the property made in the meantime shall be considered. If the title to the property taken be in controversy, the right to the compensation therefor shall be determined in a suit between the parties claiming the same, in which none of the costs of litigation shall be borne by the city, unless the city is one of the claimants, and during such controversy such compensation shall remain in the possession of the court; but the title and possession of the city to the property taken shall not be in any manner affected by such controversy.

SEC. 29. The lands which may be selected and obtained under the provisions of this article shall remain forever for parks, parkways and boulevards for the use of all the inhabitants of said city.

SEC. 30. The city shall pay all costs of proceedings under this article to take or damage private property or to levy assessments for benefits in payment of land purchased as herein provided, except costs of proceedings for collecting overdue assessments and tax bills, which shall be taxed against the real estate upon which said assessments are levied or said tax bills are issued, and except the costs upon appeal, which shall be paid by the party unsuccessfully prosecuting the same; and the City Counselor shall, personally or by any of his assistants, and as a part of his duties as such counselor, conduct all court proceedings under this article, and shall be the legal adviser of

said board; provided, that the board may, in any special case, upon request of the City Counselor, or when in its judgment the interests of the city demand, employ, temporarily, special counsel to assist the city counselor.

If the city fail to collect any assessments, in whole or in part, it may pay the amount not so collected out of the city treasury.

SEC. 31. The board of park commissioners shall have power to cause any road, parkway, boulevard or avenue, or part thereof, which may be under its control and management, to be graded, re-graded, paved, re-paved, curbed, re-curbed, guttered, re-guttered, or otherwise improved, repaired and maintained, including the construction, repair and maintenance of bridges, viaducts and sidewalks, and the sodding of sidewalk spaces, and the planting of trees and shrubbery in such manner and at such times, and with such material as the said board may determine, and may pay for such work or improvements, or any part thereof, out of the funds not otherwise appropriated, belonging to the park district in which said work or improvement is done or made, or out of the general park fund: Provided, however, that if the board of park commissioners shall, by resolution, determine that any such work shall be done, and that the payment of the whole or any part thereof be made in special tax bills, the common council shall have the power, by ordinance, to ratify and confirm the action of said board, and authorize such work to be done, in which case and when so ratified the board of public works of said city shall apportion or cause to be apportioned, the cost of said work or improvement, and issue special tax bills therefor, or for any portion thereof, so ordered to be paid in tax bills, in the same manner and with the same effect as the cost of similar work or improvements is apportioned and tax bills in payment therefor issued in such city for public improvements or work upon streets not under the control or management of such board of park commissioners.

The contract for doing the work of construction and furnishing material for any such improvement, shall be let by said board of park commissioners to the lowest and best bidder therefor in the same manner and subject to the same rules and regulations as similar work not under the control of the board of park commissioners is let by the board of public works, and all such work shall be done under the supervision and control of the board of park commissioners.

And no hearing shall be necessary, and no petition shall be necessary, to authorize any improvement provided for in this section, nor shall the power of the board of park commis-

sioners, or of the common council, to authorize any improvements provided herein, be affected or restricted by any remonstrance.

The contract for any work done under authority of this section and which is to be paid for in special tax bills, shall, before it becomes binding and effective, be ratified, approved and confirmed by an ordinance of the common council in the same manner as contracts for work done under the supervision of the board of public works are required to be ratified, approved and confirmed; and when so ratified, approved and confirmed, any such contracts shall in all respects be considered and held to have been authorized by the city. The city shall also have power, by ordinance, for any good cause, to extend the time of the beginning or of the completion of the work under any such contract made in pursuance of this section, and an ordinance of the common council purporting to extend the time therefor shall be conclusive evidence of the good cause for such extension, provided such extension of time be recommended by resolution of the board of park commissioners; and the board of park commissioners may, by resolution, and without ratification by the common council, grant extensions of time on any work done under the supervision of said board, which is not to be paid for by the issuance of special tax bills.

Before any road, parkway, boulevard or avenue, or part thereof, which may be under the control and management of the board of park commissioners, shall be graded, or re-graded, if the property owners to be disturbed or damaged thereby, shall not have waived all rights or claims to compensation for damages, proceedings shall be had for the ascertainment of the damages and benefits to arise from such grading or re-grading of said parkway, boulevard, road or avenue in the manner provided by sections two (2) and following of Article VII of this charter: And it shall be the duty of the Mayor and Common Council, upon the recommendation of the board of park commissioners, to institute such proceedings and conduct the same to a conclusion without delay.

No petition or remonstrance of property owners shall affect the power of the board of park commissioners and the common council hereinbefore granted, to establish, change or re-establish the grade of any parkway or boulevard.

SEC. 32. When any work is done, improvement made or land purchased, and payment therefor is to be made in special tax bills, or in special assessments, as provided in this article, the city shall, in no event, nor in any manner whatever, be liable for or on account of such work done or improvement made or land purchased, by reason of the invalidity or error

in any such tax bill or special assessment, nor liable in any manner for the payment of the same.

SEC. 33. The real estate, exclusive of improvements thereon, in each park district, may, upon recommendation of the board of park commissioners, be specially assessed annually for maintaining, adorning, constructing, repairing and otherwise improving the park or parks, parkway or parkways, road or roads, boulevard or boulevards, avenue or avenues, or portions thereof, located therein, which are under the control and management of a board of park commissioners; and such assessments may be made according to valuation and assessment for taxation of real estate in each park district made for city purposes; provided, that any real estate which shall not be listed on the city assessor's books for taxation for general city purposes, may, by order of the common council, be listed and valued by the city assessor for the purposes of this assessment; and provided, further, that such annual assessments authorized by this section shall never exceed in any one year two and one-half mills upon each dollar of valuation as shown on the books of the city assessor as aforesaid. Every such assessment shall be made and collected as provided by ordinance of the common council, and the common council shall have power to provide penalties for the failure to pay such assessments when due, and may provide for the sale of the property assessed to satisfy said assessments.

All sums derived from license taxes collected by the city for licenses upon all vehicles of every kind and class licensed by the city, shall be appropriated and used exclusively for maintaining, adorning, constructing and repairing, and otherwise improving the park or parks, parkway or parkways, road or roads, boulevard or boulevards, avenue or avenues, or portions thereof, which belong to the city, and are under the control and management of the board of park commissioners; and it shall be the duty of the Comptroller of the city from time to time as the said license taxes are collected and paid into the city treasury to apportion and credit the same to the maintenance fund of the various park districts, each park district to receive such proportion thereof as the assessed value of the real estate of each park district, exclusive of improvements thereon, bears to the total assessed value of the real estate, exclusive of improvements thereon, of all the park districts as shown by the books of the City Assessor; and the board of park commissioners may expend the same in the same manner as the other funds raised by special assessments under the provisions of this section are expended.

SEC. 34. The Common Council shall also have power, upon recommendation of the board of park commissioners, and for the purpose of maintaining, repairing and otherwise improving the boulevards, parkways, roads and avenues under the control and management of said board, to levy, annually a special assessment on the lots, tracts and parcels of land found fronting and abutting on said boulevards, parkways, roads and avenues.

No such annual assessment last aforesaid shall exceed the sum of ten cents per front foot of such lots, tracts and parcels of land, according to the frontage thereof on such boulevards, parkways, roads or avenues. Every such assessment last aforesaid shall be made and collected as provided by ordinance of the Common Council.

SEC. 35. All other sums used for improving any public park or parks, parkway or parkways, road or roads, boulevard or boulevards, avenue or avenues, or portions thereof, which are under the control and management of the board of park commissioners, as well as all sums required for the general expenses of such board and for other park purposes, shall be paid out of moneys apportioned and appropriated from the general fund of the city, except as otherwise herein provided, such sums to be apportioned, appropriated and expended in the manner provided in sections 27 and 28 of Article IV of this charter. But the board of park commissioners shall have power by requisition upon the auditor for warrant upon the city treasury, signed by the president or president *pro tempore*, and countersigned by the secretary, to expend the moneys collected for construction and maintenance of the parks, parkways and boulevards in each park district and for the use of such district in pursuance of sections 33 and 34 of this article; but it shall not, either directly or indirectly, expend the money of one park district for use in any other park district. The Comptroller shall make a record of all warrants of said board paid by the Treasurer,

SEC. 36. Said board shall make an annual report to the Common Council of the acts of said board and all its expenditures, showing the condition of all affairs under its control. The common council may require report from said board at any time, and the records, books, papers and accounts of the board shall at all times be subject to inspection by the Mayor, Comptroller, or any committee appointed by either house of the Common Council for that purpose. Said board shall also cause to be published in pamphlet form at least once in four years, a comprehensive report of the operations of the department, for public distribution.

SEC. 37. No roads nor streets shall be laid out or constructed through any park, except said board of park commissioners shall lay out and construct or permit the laying out and construction of the same; and any road, highway, street or alley (excepting railroads) or part thereof, which may pass through, or into, or divide, or separate any land now used or condemned, or that may hereafter be acquired or condemned, for parks, shall, upon recommendation of the said board of park commissioners, with the consent of the Common Council of such city, be by said Common Council vacated and closed up and made a part of such park. And no railway shall be built into, through or over any park, parkway or boulevard without the permission of the board of park commissioners, the said permission to be evidenced by ordinance passed in pursuance of the recommendation, by resolution, of the board of park commissioners, and to be on such terms and conditions as the board of park commissioners and the common council may determine; nor shall any telegraph, telephone or electric light wires, or other wires, or posts or supports thereof, be erected or placed in, upon, through or over any park without the consent of said board of park commissioners; and said board shall have full power and authority to designate the place or places for and manner of erecting, placing and maintaining the same, in or upon any park or boulevard, and may cause the place and manner of maintaining the same, whether heretofore or hereafter erected or placed, to be altered at such times and in such manner as it shall deem best for the interests of the city, and may require such wires in any park, parkway or boulevard to be put and kept underground.

SEC. 38. Real or personal property, or the income thereof, may be granted, bequeathed, devised or conveyed to the city for the purpose of improvement or ornamentation of parks, parkways or boulevards, or for the establishment or maintenance in any park, or zoological or other gardens, observatories, monuments or works of art, or other park purposes, upon such trusts and conditions as may be prescribed by the grantors or devisors thereof, and agreed to by the Common Council and board of park commissioners. All property so devised, granted, bequeathed or conveyed, and rents, issues, profits and income thereof, shall be subject to the management and control of said board of park commissioners.

Real estate may also be devised or conveyed to the city for the purpose of parks, parkways or boulevards, or additions thereto, upon such conditions, including exemption from the payment of benefits or assessments for such improvements, as may be prescribed by the grantors or devisors thereof: Provided,

that the location of such real estate be acceptable, and the conditions of the conveyance be agreed to by the Common Council and board of park commissioners.

SEC. 39. Neither the Common Council nor the board of park commissioners, shall have authority to permit any person, firm or corporation, to build or maintain any structure within any park, square or parkway, which may now or hereafter be under the control or management of the board of park commissioners; nor shall any structure be erected or maintained within any park, square or parkway, excepting such structures or buildings as may be erected by the board of park commissioners, under its authority, in the public parks, under their jurisdiction, for park uses or park pleasure purposes, and excepting also such statues, monuments, works of art, or other structures intended for ornamentation only, as may be erected by authority of the board of park commissioners, in the parks, boulevards, parkways or roads under the jurisdiction and control of the said board.

Nor shall any part of any park or public ground under the supervision or control of said board be leased to any person, firm or corporation for any purpose, but the board may lease any building or parts thereof, erected by it for park purposes, to any person undertaking to serve such purposes, and may grant concessions therein for the sale of refreshments to the public using said park, and for other park purposes, upon such terms and under such regulations as the board may prescribe: Provided, however, that the sale of spirituous, vinous or malt liquors or other intoxicating beverages shall never be permitted within any park, square or public ground under the control and management of said board. No lease shall be for a longer term than three years. No concession shall be granted for any purpose not within the objects for which said parks, squares and grounds were acquired by the city, and in every such lease the board shall reserve the right to enter at all times into and upon the premises so leased, and shall make the condition that the building so leased shall be used only for the purposes expressed in such lease, and no shows or exhibitions of any character or kind, shall be allowed or given in any park, square, or public ground of the city under the control of said board; but this shall not inhibit such musical entertainments, concerns, and zoological or other exhibits as may be provided by the board of park commissioners in any park, for the use and enjoyment of the public and for strictly park purposes.

All moneys derived from any leases or concessions or from the sale of the products obtained from any park, or of any personal property in use by, or belonging to, said department of

parks and boulevards, shall be paid into the treasury of the city, and be credited to the fund in control of the board of park commissioners, and be used and expended by said board for park purposes.

Nothing herein stated shall authorize the sale of any lands or be held to abrogate the conditions specified in the deed of gift of the land known as "Swope Park" heretofore granted to the city by the Honorable Thomas H. Swope, but said deed and acceptance thereof, and all conditions contained therein are hereby ratified and confirmed, which conditions, so far as they may be in conflict with this article, shall be considered as exceptions to the provisions hereof.

SEC. 40. For the purpose of adorning, beautifying and improving said city, and to the end that the public good may be conserved, the Common Council shall have power, upon the recommendation of the board of park commissioners, to establish and fix building restrictions on any boulevard, parkway, road or avenue, or any part thereof, under the control and management of the board of park commissioners. Said restrictions may be to limit, confine or exclude and prohibit the carrying on of any business vocation or vocations, or the erection and maintenance of any factories, stores or business houses on the lots, tracts or parcels of land fronting or abutting on such boulevard, parkway, road or avenue, or any part thereof, or within fifty feet of the same, or to establish a building line on such property to which all buildings, fences, or other structures shall conform. And said restrictions may be made to apply to all property fronting or abutting on any boulevard, parkway, road or avenue, or part thereof, along which the same are established, or may provide for excepting from such restrictions any property or lot, piece or parcel of land: Provided, however, that no restrictions shall be fixed as herein provided unless the owners of a majority in front feet of the lands fronting or abutting on any such boulevard, parkway, road or avenue, or any part thereof, upon which it is proposed to fix and establish such restrictions, shall petition therefor, stating clearly in such petition the restrictions desired. And the board of park commissioners shall in its resolution, and the Common Council shall in the ordinance passed in pursuance of such resolution, fixing and establishing any restrictions, find and declare that the owners of a majority in front feet of all the lands fronting on the boulevard, parkway, road or avenue, or part thereof, on which said restriction is to be established, have petitioned therefor, and such finding and declaration shall be conclusive for all purposes, unless the court finds in the proceedings instituted for the assessment of damages and benefits as hereinafter set

forth that the owners of a majority as aforesaid in front feet did not sign said petition. The owners of all property signing such petition shall be deemed to have waived all claim for damages resulting therefrom.

And provided, further, that the board of park commissioners, in establishing any new boulevard or parkway may, in the resolution providing for establishing of the same, also provide for establishing the building line on said boulevard or parkway without petition therefor, in which case, and if the same be approved by the Common Council, the benefits and damages may be ascertained and assessed by the jury in the condemnation proceedings for the establishment of said boulevard or parkway, and the ordinance establishing said boulevard shall also prescribe and determine the limits within which private property is benefited by the proposed establishment of said building line restrictions as hereinafter provided; but the jury shall return a separate verdict of benefits and damages arising from the establishment of said building line, and separate appeal may be had therefrom by any person aggrieved by such verdict; and an ordinance repealing such building line restrictions shall not affect the validity of the proceedings establishing such parkways or boulevards.

When the property owners to be affected, disturbed or damaged by the fixing and establishing of any building restrictions as aforesaid upon any boulevard, parkway, road, avenue, or part thereof, are lawfully entitled to remuneration or damages under the constitution of the State of Missouri, and shall not have waived all right of claim thereto, the ordinance which shall provide for the fixing or establishment of any building restrictions as aforesaid, shall also prescribe and determine the limits within which said property is benefited by the proposed establishment of said building restrictions, and proceedings shall be had for the ascertainment of the damages and benefits to arise from the establishment of said building restrictions as aforesaid, in the manner provided by sections two (2) and following of Article VII of this charter for the ascertainment of benefits and damages in grading cases, and the provisions in said Article VII relating to the exclusiveness of the remedy therein given in grading cases, the powers of the court and jury in assessing benefits and damages, and the submission of testimony, the rights of claimants, the method of collection and payment of such benefits and damages, and the right of the city to repeal the ordinances, shall apply alike to all proceedings for the ascertainment of benefits and damages and the collection and payment of the same, in proceedings for the establishment of building restrictions as aforesaid.

The provisions of this section shall not affect or apply to **any boulevard, parkway, road or avenue**, under the control and management of the board of park commissioners which shall have been established by ordinance of the Common Council upon the recommendation of said board, prior to the taking effect of this charter, but only to such boulevards, parkways, roads or avenues as may be thereafter established.

Nothing in this section shall affect the power in this charter given to the Common Council to regulate fire limits and the kind and quality of buildings to be erected or maintained therein.

SEC. 41. The restrictions fixed and established by ordinance as herein provided, may be removed in full or in part by an ordinance based upon the recommendation of the board of park commissioners in the same manner as is required for the establishment of said building restrictions, and a like proceeding to ascertain damages and assess benefits for said removal in full or in part as was had for the establishment of said restrictions, said proceeding being as far as practicable the same as that required herein to establish said building restrictions, but such proceeding shall be only as to the area covered by the original proceeding.

SEC. 42. The officer or department of the city charged with the superintendence of buildings shall obtain from the city engineer, upon final judgment in any proceeding under this article, a map or plat of the property affected by said ordinance and proceedings, and shall file and keep the same in his office in a well bound book, and shall further note on said map or plat the restrictions fixed and established by said ordinance and proceedings, and shall not, thenceforth, issue any permit for improvements or buildings in violation of the restrictions so fixed and established, so long as said restrictions remain in force, provided, that should the said restrictions be removed in whole or in part, the said officer or department shall note said removal or modification of said building restrictions on said map or plat as the same may occur, and thereafter issue permits in accordance therewith.

Said Common Council shall also have power to provide by fine or imprisonment, or both, subject to the limitations in this charter set forth, for the punishment of any person violating any such building restrictions after the same have been duly established as herein provided.

SEC. 43. Whenever any street or avenue not under the control of the board of park commissioners, and upon which

any park land under the control of said board fronts or abuts, shall be graded, re-graded, paved, re-paved, curbed, re-curbed, guttered, re-guttered, or otherwise improved or repaired, or when any drain or sewer shall be built in the sewer district in which any park land under the control of said board is situated, and tax bills have been issued against said park land or against the city on account of the benefit deemed to have accrued, under the provisions of this charter, to said park land, or to the city on account of said park land, by virtue of any such improvement, the board of park commissioners shall pay off and discharge such tax bills, or any judgments obtained against the city on account thereof, out of the funds under the control of said board of park commissioners and not otherwise appropriated: Provided, however, that this section shall not be construed to authorize or require said board of park commissioners to pay such tax bills or judgments out of any funds belonging to the park district in which such work or improvement is made, which have been levied and collected by special assessment under the provisions of sections thirty-three and thirty-four of this article, or either of them, for the improvement and maintenance of the parks, parkways, roads, boulevards or avenues in such park district under the control of said board. The limitation last aforesaid shall not be extended so as to affect the right of the board of park commissioners to use such park district funds for the maintenance or improvement of any park, parkway, boulevard, road or avenue under the control and management of said board of park commissioners, and located in any such park district.

SEC. 44. The board of park commissioners is hereby authorized to take from the hydrants and water pipes of the city, under such reasonable rules and regulations as may be prescribed by ordinance or by the water department, all water which may be required for park purposes, including all water required for sprinkling, cleaning and maintaining boulevards, parkways, roads or avenues under its control, and no charges or debits shall be made or allowed on account thereof against the funds of any park district or other funds under the control of said board of park commissioners.

SEC. 45. In all cases of the condemnation of private property under the provisions of this article for the opening or establishing of any parkway, road, boulevard or avenue to be controlled by the board of park commissioners, the common council, upon the recommendation of the board of park commissioners, is hereby authorized by the same ordinance, or by separate ordinance, to establish the grade of that portion of said

boulevard, parkway, road or avenue proposed to be condemned and opened or established, and to provide for the grading of the same. In such case, the notice required to be given as in this article provided for the condemnation of private property shall state that benefits and damages, if any, arising from the grading of said boulevard, parkway, road or avenue to the established grade, shall be assessed by the jury in said condemnation proceeding.

In such case, if the owner of any tract or parcel of land shall not file with the said clerk a claim for damages, on account of the proposed grading of said boulevard, parkway, road or avenue, he shall be deemed to have waived the same. Such claim shall be filed on or prior to the day when the jury is empaneled to assess the damages. The jury shall find the amount of damages, if any, in such case, to any tract or parcel of private property for which damages are claimed on account of said proposed grading in the manner provided in Article VII of this charter, and in assessing the benefits, shall consider the benefits caused by the opening of said boulevard, parkway, road or avenue in the manner provided in this article for the assessing of benefits in taking and damaging of private property; and the benefits arising from the grading of the boulevard, parkway, road or avenue, to the proposed grade, as specified in said ordinance, shall be assessed in the manner provided in Article VII of this charter.

SEC. 46. Whenever the Common Council, upon the recommendation of the board of park commissioners, shall provide for the condemnation of any private property within the city for any of the purposes specified in this article, and shall not determine or provide to pay any part of the cost of the same by assessment of special benefits, it shall not in said ordinance provide for the establishment of any benefit district, and no benefits shall be assessed; and in such case, proceedings for the ascertainment of the damages or just compensation to be allowed for the land or rights or other property to be taken, shall be begun and conducted in the same manner as hereinbefore provided in this article, so far as the same may be applicable, and such damages or just compensation shall be ascertained by a jury of six disinterested freeholders as aforesaid.

SEC. 47. When any ordinance of the Common Council shall be passed upon the recommendation of the board of park commissioners, as herein provided, it shall not be necessary for said ordinance to recite at length the resolution of the board of park commissioners recommending the same; but it shall be sufficient to recite the fact of such recommendation by

said board; and if the Common Council shall find and recite in such ordinance that said action of the Common Council has been recommended by the board of park commissioners, no special tax bill or park fund certificate that may be issued, nor special assessments that may be made for work done or property purchased, taken or damaged, shall be held invalid or affected after the issuance of such special tax bill or park fund certificate, or after judgment of confirmation of such special assessment by the circuit court or appellate court on appeal, on the ground that such recommendation of the board of park commissioners was not properly made.

SEC. 48. Nothing in this article contained shall be deemed to impair or invalidate any of the actions or proceedings of the board of park commissioners of this city prior to the adoption of this article, and in all pending matters, where the provisions of this article can so apply without injury to the interests of said city, the same shall apply as to unfinished proceedings and unexpended moneys collected or appropriated for park and boulevard purposes.

ARTICLE XIV.

Hospital and Health Department.

SECTION 1. There is hereby established within the city a department to be known as the Hospital and Health Department, which shall have the power and it shall be its duty:

(a) To enforce the laws of the State of Missouri, ordinances of Kansas City, Missouri, and the provisions of this charter relating to public health; and to make such rules and regulations, not inconsistent with other provisions of this charter, as will tend to preserve and promote the public health—

(b) To have the care, management and control of all buildings and property heretofore and now used and known as city hospitals and all lands and premises used in connection therewith, and, also, of all property and institutions now, or hereafter, owned or controlled by the city for the care and treatment of sick and injured persons; for the support, maintenance and confinement of insane persons, and for maintenance and support of poor persons; and to locate, establish and maintain quarantine hospitals and stations within, or outside of, the corporate limits of the city, and to have the custody of all persons confined in any such institutions;

(c) To recommend to the common council the passage of such ordinances as said department may deem necessary for the preservation of the public health and care of sick or injured.

(d) From time to time, and as often as the board may deem advisable, to direct inspection of every part of the city and its environs, with a view to the maintenance of its sanitary condition, and, also, after such reasonable notice to the owner or occupants, as the board may prescribe, any private building or premises, within the city; and shall have charge of the inspection of dairies, milk, meat and all food stuffs, and all water supplies for drinking purposes; and enforce all pure food laws;

(e) To investigate the nature of all contagious or infectious diseases, and to take measures to prevent their development and continuance; and, if necessary to the public health and safety, to order the destruction of animals that are suffering from any contagious or infectious disease and of the buildings within which they have been sick of such disease;

(f) To abate, or order to be abated, all nuisances found

in or upon, the streets, alleys, lots, buildings or premises within the city;

(g) To regulate the sanitary condition of all morgues, cemeteries, crematories, vaults and burial places within the limits of the city, and the disposition of dead bodies of persons and animals;

(h) To provide for registration of births, deaths and marriages occurring within the city;

(i) To make contracts, not inconsistent with other provisions of this charter, and for periods of time not exceeding ten years each, for the removal and disposal of garbage, offal and other offensive materials accumulated or deposited within the city limits.

SEC. 2. Said department shall be under the management and control of a hospital and health board, whose term of office shall be for a period of three years; provided, that the members of the board first appointed hereunder shall, as soon as practicable, so classify themselves by lot that the term of one of such members shall expire at the end of one year, one at the end of two years, and one at the end of three years, from the third Monday in April, 1908. At the expiration of the term of a member, a successor shall be appointed for a term of three years from the date of the expiration of the term of his predecessor. No member of the board shall be a practicing physician or surgeon. The members of said board shall serve without compensation, and shall be selected with reference to special fitness for the position.

SEC. 3. Said board shall, within ten days after its appointment, organize by the election of one of its members as president. The board shall thereafter annually, at a regular meeting to be held within thirty days after the third Monday in April of each year, choose a president, to serve for the term of one year and until his successor be chosen and qualified. It shall also appoint a secretary, who shall not be a member of the board, and who shall serve at the pleasure of the board. The secretary shall keep a full and complete record of the official proceedings of the board, and discharge such other duties as may be required of him, from time to time, by the board, or by ordinances not inconsistent with this charter.

SEC. 4. Said board shall establish rules and regulations for the admission of sick or injured or insane citizens, and of any person who may be taken sick, or be injured, or become insane, while in the streets, or public places, or while stopping tempor-

arily within the city, to the hospitals and institutions, and for the treatment of such persons elsewhere, and for admission of indigent citizens to such institutions as the city may provide for their use, and for the administration and government of the department, and shall provide for the necessary ambulance service and city dispensaries.

SEC. 5. Said board shall have the power to appoint a visiting and consulting staff of physicians and surgeons, who shall serve at the pleasure of the board, without compensation; and shall appoint a superintendent of the hospital, who shall be a licensed physician and shall have practiced for three years in Kansas City; and shall appoint, subject to the civil service laws, rules and regulations contained in, and provided for, in this charter, a health commissioner; and shall have power to appoint such superintendents, health officers, medical officials, food and other inspectors, assistants and subordinates, as may be necessary for the efficient management and conduct of said hospital and health department, subject to the provisions of this charter,

SEC. 6. The health commissioner shall be a registered physician, and shall have resided within this city for at least three years prior to the date of his appointment. He shall be the executive officer of the board, and shall have the power, and it shall be his duty, under the supervision of the board, to exercise all powers and perform all duties conferred upon him by the board, as provided in this article, and to perform such other duties as may be required of him, from time to time, by the board or by ordinance.

SEC. 7. Members of the board, health commissioner and such subordinates as may be thereunto authorized by resolution of the board, recorded in the records of its proceedings, shall be conservators of the peace and shall have the same powers as policemen to make arrests for any violation of laws or ordinances relating to public health, and of any lawful rule or regulation of the board.

SEC. 8. In order to effect the abatement of nuisances, or removal of any accumulated substances injurious to health, the board shall have power, whenever in its opinion such nuisance or injurious substance exists, by resolution recorded in the records of its proceedings, to order the same abated or removed, and, thereafter, to notify the owner, or owners, of the premises on which the same exists, or his or their agents, to abate or remove the same, as the case may be. Such notice shall be

served upon the owner, or agent having charge of the premises, if such owner or agent can be found in the city, or by any person authorized by resolution of the board to serve the same, or by any police officer of the city, in the same manner as writs of summons are required to be served in civil cases. If such service cannot be made for the reason that the owner, or such agent cannot be found in the city, of which fact the return endorsed upon such notice of the person serving the same shall be conclusive evidence, then the board shall cause such notice to be published in the newspaper doing the city printing, for two consecutive days. Notice served in any manner herein prescribed shall be held by all courts to be sufficient service upon the owner. If the owner, or agent, who shall have been so served with notice, shall fail, within the time indicated in such notice, which time shall be fixed by said board, to comply with such order, or to show cause to such health commissioner why he cannot, or ought not to, comply with such order, for which purpose he shall have the right to be heard, within the said time, before the said board, if he so requests, such owner, or agent, as the case may be, shall be deemed guilty of a misdemeanor, and, on conviction before the municipal court of the city, shall be fined not exceeding five hundred dollars; and the board may order such nuisance, or injurious substance, abated or removed, and the cost of such abatement or removal, when fully completed, shall be ascertained under the direction of the board of public works, and the board of public works shall cause the same to be collected in the same manner as provided by section fifteen of article eight of this charter. The city may also collect such special tax by suit, by foreclosing the lien thereof before the municipal court or other court of competent jurisdiction. In such suit it shall only be necessary for the plaintiff to allege the execution and delivery of such certificate to the City Treasurer and the amount and non-payment of the special tax sued for, together with the description of the particular tract of land charged therewith. The full amount of such special tax, whenever collected, shall be paid into the city treasury; provided the city may, at its option, waive the lien of such special tax bill and enforce payment of the amount of such certificate by suit in any court of competent jurisdiction as a debt due from such owner or agent to the city. In such suit the city may have judgment, also, for costs.

SEC. 9. Whenever it shall come to the knowledge of the Mayor that any malignant, infectious or contagious disease or epidemic is prevalent in the city, or will probably become so, or in case a public calamity arise by reason of flood, tornado, fire, or other disasters, he may make proclamation of such fact to the inhabitants; and after such proclamation the board shall

have the power to take all steps and use all measures necessary to avoid, suppress or mitigate such disease and relieve distress caused by flood, tornado, fire, or other disasters, without the intervention of the council, in the same manner and as effectually as the council could itself do by ordinance, and may employ such officers, agents, servants and assistants, establish temporary hospitals, provide necessary furniture, medical attendance, nurses, food, clothing, shelter and relief, as in the opinion of the said board may be necessary and advisable; provided the amount expended shall not exceed any appropriation made for the department.

The board shall have and exercise said power until it shall declare, or until the Mayor shall proclaim, that the epidemic, disease or calamity, in view of which the proclamation was made, is no longer imminent or prevalent, whereupon the said power shall cease.

SEC. 10. The board shall keep accurate and detailed accounts in a form approved by the City Comptroller, of all monies received and expended by it, the source from which received and the purpose for which expended. It shall, at the end of each fiscal year, transmit to the City Comptroller a report of the acts of the board and condition of the business and property of the department, showing all receipts and expenditures of money, since its last preceding annual report; and shall cause said report to be printed in sufficient numbers for public distribution. The Mayor, or common council, may require a report from said board at any time.

SEC. 11. It shall be the duty of the police department of the city to co-operate with the hospital and health department, and at all times, at the request of the hospital and health board, to render such aid and assistance as said department may need. It shall be the duty of all policemen to report to the health commissioner, through the chief of police, the existence of any nuisance, or unsanitary condition, at any place within the city.

ARTICLE XV.

Civil Service.

SECTION 1. At the beginning of the fiscal year of 1910, the Mayor shall appoint three persons known to be devoted to the improvement of civil service, based on merit, who shall constitute a board of civil service, who are hereby named civil service commissioners. One to serve to the end of the fiscal year of 1911, one to serve for the term ending with the expiration of the fiscal year of 1912, and one to serve for the term ending with the expiration of the fiscal year of 1913. And, whenever and as often as the term of office of any commissioner shall expire, the then Mayor shall appoint a person known to be devoted to the improvement of the civil service, based on merit, to serve as such commissioner for three years.

The members of said board shall serve without compensation.

SEC. 2. It shall be the duty of said board to organize immediately after their appointment by the election of one commissioner as president and by the appointment of a chief examiner; and they shall prescribe and enforce rules for the classification of the offices and employments in the classified service of the city and for appointments and promotions therein, and examinations therefor, and for the registration and selection of laborers for employment therein, not inconsistent with the provisions of this charter, and may amend or repeal the said rules from time to time. All rules and amendments thereto shall be published, and together with all proceedings and papers connected with said civil service system shall, at all times, be subject to the inspection of the Mayor and City Comptroller. Subject to the provisions of this charter and of said rules, the civil service board shall make regulations for and have control of examinations and registration for the service of the city, and shall supervise and preserve the records of the same. The board shall annually elect one of its members as president for the term of one year.

SEC. 3. The civil service of the city shall be divided into the exempt service and the classified service.

SEC. 4. The exempt service shall comprise:

First: All officers elected by the people;

Second: Sergeant at arms of the Common Council, or either house thereof, the Mayor's secretary and the Mayor's stenographer;

Third: The city Auditor, the city Counselor, one assistant the city clerk, the city assessor and one deputy, two deputies of the city Comptroller, three deputies of the city Treasurer, the members of the board of public works, the secretary of the board of public works, the purchasing agent, the members of the board of park commissioners, the landscape architect of the board of park commissioners, the secretary of the board of park commissioners, the members of the board of hospital and health, the health commissioners, the secretary of the board of hospital and health, the superintendent of the hospitals, and all visiting and consulting physicians and surgeons, the members of the board of fire and water commissioners, the fire chief, the secretary of the board of fire and water commissioners, the members of the civil service board, the chief examiner of the civil service board, the members and officers of any public utilities commission that may be appointed from time to time. Members of the board of pardons and parole and court sergeant.

SEC. 5. The classified service shall comprise all officers and positions in the city service not specifically designated in the exempt service, and shall be arranged in two classes to be designated respectively as the competitive class and labor class.

SEC. 6. The competitive class shall include all positions now existing or hereafter created of whatever function, designation or compensation in each and every branch of the civil service of the city, except such positions as are in the exempt service or in the labor class.

SEC. 7. Positions in the competitive class may be filled without competitive examinations as follows:

First: Whenever there are, in the opinion of the commissioners, urgent reasons for filling a vacancy in any position in the competitive class, and there is no list of persons eligible for appointment who have successfully passed the competitive examination, the appointing officer may nominate a person to the civil service commission for non-competitive examination, and such nominee shall be certified by said commission as qualified after such non-competitive examination; but the commission shall forthwith hold a competitive examination covering such position, and such provisional appointment shall not continue for a longer period than sixty days, nor shall successive temporary appointments be made to the same position under this subdivision.

Second: In case of a vacancy in a position in the competitive class where peculiar and exceptional qualifications of a scientific, professional or educational character are required, and upon satisfactory evidence that for specified reasons competition in special cases is impracticable, and that the position can be best filled by the selection of some designated person of high and recognized attainments in such qualities, the commission may, by unanimous vote of all three commissioners, spread upon the records at the time such suspension is made, suspend the provisions of the rules requiring competition in such case, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported in the annual reports of such commission, with the reasons for the same.

SEC. 8. The labor class shall include unskilled laborers and such skilled laborers as may be so classified by the rules and regulations of the commission. Vacancies in the labor class shall be filled by appointment from lists of applicants registered by the civil service commission. There may, in the discretion of the commission, be separate lists of applicants for different kinds of labor or employment, and the commission may establish separate labor lists for various institutions and departments. Where the labor service of any department or institution is confined to separate districts or localities, the commissioners may provide separate registration lists for each district or locality. The commissioners shall require an applicant for registration in the labor class to furnish such evidence, or pass such examination as they may deem proper with respect to age, residence, physical condition, ability to labor, skill, capacity and experience in the trade or employment for which he applies. Where no examination is required, laborers shall be placed on the eligible list and be appointed therefrom in the order of the priority of their applications. Restrictions as to citizenship specified in this article need not be applied to the labor class.

SEC. 9. All appointments, promotions and changes of status of persons in the public service of the city shall be made in the manner prescribed by this article, unless otherwise provided in this charter. The said commission shall keep minutes of its own proceedings and records of its examinations and other official acts. It shall be the duty of the civil service commissioners to supervise the execution of this law and the regulations thereunder and see that the same are enforced, and they shall be responsible for the correction of all abuses and irregularities growing out of the administration of said law and regulations thereunder. They may make such investigations as they deem

necessary and report to the Mayor from time to time upon all matters touching the enforcement and effect of the provisions of this article; and in the course of such investigations, each commissioner and the chief examiner shall have power to administer oaths; they shall have the power to subpoena and require the attendance of witnesses and the production of books, papers and records pertinent to the investigations and inquiries hereby authorized, and to examine them; and of such public records as they shall require in relation to any matter which they are required to investigate, and for the purpose of such examination, the board may, if it deems fit, invoke the power of any court of record in the county to compel the attendance and testifying of witnesses, and the production thereby of books, papers and records as aforesaid. They shall make an annual report to the Mayor and common council on or before the fifteenth day of January of each year, showing their own actions, the rules and regulations and exceptions thereto in full, and the practical effect thereof, and any suggestions they may approve for the more effectual accomplishment of the purposes of this article. The Mayor may also require a report from the board at any other time. The board shall meet as often as the needs of the public service may require, and shall hold stated regular meetings at least once a week on such day as may be fixed by its rules. Two members of the board shall constitute a quorum.

SEC. 10. From and after the taking effect of this article and the adoption of the rules herein provided for, all appointments to positions and employments in the several departments of the city service shall, unless in this charter otherwise provided, be made by the respective heads of such departments under and in conformity with the provisions of such rules, and such heads of departments shall respectively have power to remove or discharge any person holding any office, position, or employment in their respective departments whenever, in their opinion, the good of the public service requires the exercise of such power. It shall be the duty of a discharging officer, upon request of a discharged person, at any time after discharge, to give such person a correct statement in writing of the reasons for his discharge. No person in the city's service shall be removed, reduced in grade or salary, or transferred because of political or religious beliefs or opinions of such persons; nor shall any person in the competitive class of the city service be removed, reduced in grade or salary or transferred without first having received a written statement setting forth in detail the reasons therefor; and at the option of the person who shall have been removed, reduced, or transferred, a copy of such statement shall be filed in the office of the Civil Service Commissioners,

together with reply, if any made thereto, by the person removed, and the whole shall be filed and preserved in the office of said Commissioners and be open to public inspection. In case of discharge of any person owing to the reduction of force, the discharged person shall receive a certificate so stating, and shall be placed on the eligible list with the same rank he had already attained, and shall have a preference over those on the eligible list, and those who have served the longest before being so discharged shall be first restored.

Whenever said Commissioners shall have reason to believe that any officer, board, head of department or person having power to discharge has abused such power by making dismissals or discharges for political or other reasons than solely for the good of the public service, it shall be their duty to make such investigation in the premises as they may deem advisable and if they shall find that any such violation of the provisions of the intent and spirit of this article has occurred, they shall make report thereof to the Mayor and the officer or tribunal having power under this charter to remove such officer, board, head of department, or persons, and such report shall be sufficient cause for removal of such guilty officer, board, head of department, or person.

SEC. 11. All applicants for offices or positions in the classified service, subject to the exceptions expressly made in this charter, shall be subjected to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the person examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health, and when appropriate, of manual skill.

No questions in any examination shall relate to political or religious opinions or affiliations. The Commission shall control all examinations and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the city, to be examiners, and it shall be the duty of such examiners, and if in the official service of the city, it shall be part of their official duty, without extra compensation, to render such service in connection with such examination as the Commission may require, and to make report or return thereof to said Commission, and the Commission may, at any time, substitute any other person, whether or not in such service, in place of any one so selected, and the board may themselves at any time act as such examiners, and without appoint-

ing examiners. The Commission shall fix the compensation of such examiners, and may appoint such other employes of the board as they deem necessary, and fix their pay.

Intending competitors shall be required to file in the office of the Commissioners a reasonable length of time before the date of any examination, a formal application in which the applicant shall state, under oath, first, his full name, residence and post-office address; second, his age, date and place of birth; third, health and physical capacity for public service; fourth, his business or employment and residence for at least five years previous; fifth, such other information as may be reasonably required touching the applicant's merit and fitness for the public service. Blank forms for such application shall be furnished by the Civil Service Commissioners without charge to all persons requesting the same. Such Commissioners may require in connection with such application such certificates of citizens, physicians, public officers or others having knowledge of the applicant as the good of the service may require. Such Commissioners may refuse to examine an applicant, or, after examination, to certify as eligible one who is found to lack any of the essential preliminary requirements for the examinations for positions for which he applies; or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment; or who is addicted to the habitual use of intoxicating beverages to excess; or who has been convicted of a crime or guilty of infamous or notoriously disgraceful conduct; or who has been dismissed from the public service for delinquency or misconduct; or who has intentionally made a false statement of any material fact, or practiced, or attempted to practice, any deception or fraud in his application, in his examination, or in securing his eligibility or appointment.

SEC. 13. Notice of the time and place and general scope of every competitive examination provided for in this article shall be given by the board by publication, for at least five days preceding such examination, in the newspaper doing the city printing, and such notice shall also be posted in a conspicuous place in their office for two weeks before such examination. The board may advertise non-competitive examinations provided for in this article in such manner as the nature of such examinations may, in their opinion, require. Applications for appointment may be filed at any time, and when so filed personal notice of the time and place of examinations must be sent by mail to the applicant.

SEC. 14. From the returns or reports of the examiners, or from the examinations made by the Commission, the Commis-

sion shall prepare an eligible list for each grade or class of positions in the competitive class of the classified service of the city, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such Commission, and who are otherwise eligible, and shall furnish to each of such persons a certificate setting forth the general average standing secured by him under such examination, and such person shall take rank upon the eligible list as candidates in the order of their relative excellence as determined by examination without reference to priority of time of examination.

SEC. 15. The board shall, by its rules, provide for promotion in such competitive class of the classified service on the basis of ascertained merit, and shall provide in all cases where it is practicable that vacancies therein shall be filled by promotion, and in said rules shall provide for transfers and re-instate-ments.

SEC. 16. The head of a department or office in which a position in the classified service is to be filled shall notify said board of the fact, and said Commission shall certify to the appointing officer the name and address of the candidate standing highest upon the eligible list for the class or grade to which said position belongs, except that where a choice by competition is not required by this article, said Commission may, subject to the provisions of this article, provide by its rules how selections shall be made among those candidates proved fit by examination. In making such certification, sex shall be disregarded, except when some statute, the rules of the Commission or the appointing power specify sex. The appointing officer shall notify said Commission of each position to be filled separately, and shall fill such place by the appointment of the person certified to him by said Commission therefor. Said Commission shall strike off names of candidates from the eligible list after they have remained thereon more than two years. In the event of more than one applicant receiving the same mark at any examination, all such applicants shall cast lots to determine the order in which their names shall be placed on the eligible list.

SEC. 17. Immediate notice in writing shall be given by the appointing power to said board of all appointments, permanent and temporary, made in such classified service, and all transfers, promotions, resignations or vacancies, from any cause, in such service, and of the date thereof, and a record of the same shall be kept by said board. When any office or position is created or abolished or the compensation attached thereto altered, the City Clerk shall immediately report the fact in writing to said board.

SEC. 18. The incumbents of all positions at the time this charter takes effect, coming within the competitive class of the classified service, may continue in service and discharge the duties assigned them until the beginning of the fiscal year 1910, and until the board secures an eligible list and promulgates rules as provided in section 3 of this article, whereupon said incumbents shall be deemed to have vacated their several positions. Until such time appointments and removals shall be made and vacancies filled as elsewhere provided in this charter.

SEC. 19. The board shall appoint a chief examiner who shall, under their direction, superintend any examination held under this article, and who shall perform such other duties as the board may prescribe. The chief examiner shall be secretary of the board by virtue of his office. He shall keep the minutes of its proceedings, preserve all reports made to it, and keep a record of all examinations held under its direction.

SEC. 20. No person or officer shall wilfully or corruptly, by himself, or in co-operation with one or more other persons, directly or indirectly, defeat, deceive or obstruct any person in mark, grade, estimate or report upon the examination, or proper standing of any person examined hereunder, or aid in so doing, or wilfully or corruptly make a false representation concerning the same, or concerning the person examined, or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, of being appointed, employed or promoted.

SEC. 21. No officer or employee within the competitive class of the classified service of the city shall solicit orally or by letter, or otherwise, or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or for any political purpose whatever.

SEC. 22. No person shall solicit, orally, or by letter, or otherwise, or be in any manner concerned in soliciting any assessment, contribution or payment for any political party or for any political purpose whatever from any officer or employe in the classified service of the city.

SEC. 23. No person shall, in any room or building occupied for the discharge of official duties by any officer or employe of the city, solicit orally or by letter or written communication

delivered therein, or in any manner, or receive any contribution of money or other thing of value for any political party or for any political purpose whatever. No officer, agent, or employe, under the government of the city, who may have charge or control of any building, office or room occupied for any purpose of said government, shall permit any person to enter the same for the purpose of therein soliciting or delivering written solicitations for or receiving or giving notice of any political assessment.

SEC. 24. No officer or employe in the service of the city shall directly or indirectly give or hand over to any officer or employe in the service of said city any money or other valuable thing on account of or to be applied to the promotion of any political party or any political purpose whatever.

SEC. 25. No officer or employe of the city shall discharge or degrade or promote, or in any manner change the official rank or compensation of any other officer or employe, or promise or threaten to do so for giving or withholding, or neglecting to make any contribution of money or other valuable thing for any political party or purpose, or for refusal or neglect to render any political service.

SEC. 26. No applicant for appointment in said Civil Service shall, either directly or indirectly, pay or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, and no officer or employe shall pay or promise to pay, either directly or indirectly, to any person, any money or other valuable thing whatever for or on account of his promotion or retention in the public service of the city.

SEC. 27. No applicant for appointment or promotion in said Civil Service shall ask for or receive any recommendation or assistance from any officer or employe in said service, or from any person, upon the consideration of any political service to be rendered, or the promotion of any person to any office or appointment.

SEC. 28. No person while holding an office in the government of the city, or a nomination for, or while seeking a nomination for or appointment to any such office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence (whether then possessed or merely anticipated), in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public appoint-

ment, or any nomination, promotion or increase of salary, upon the consideration or condition that the vote, or influence or action of the last named person or any other shall be given or used in behalf of any candidate, officer, person, or political party, or upon any corrupt condition or consideration.

SEC. 29. The board shall certify to the City Comptroller all appointments to offices and places in the competitive class of the classified service and all vacancies occurring therein.

SEC. 30. It shall be unlawful for the City Comptroller or other fiscal officer of the city, when Civil Service rules have been prescribed, pursuant to this article, to draw, sign, or issue or authorize the drawing or issuing of any warrant on the Treasurer or other disbursing officer of the city to pay any salary or compensation to any officer, clerk or person in the competitive class of the classified service of the city unless his name shall have been certified to the Comptroller as provided for in the preceding section of this article. Any officer, clerk or other person entitled to be certified by said board to the Comptroller, Treasurer or other fiscal or disbursing officer of the city, as having been appointed or employed in pursuance of this article, and of the rules made in pursuance of it, and refused such certificate, may maintain a proceeding by mandamus in the Supreme Court of the State, or in the Circuit Court of Jackson County, Missouri, at Kansas City, to compel said board to issue such certificate. Mandamus proceedings as herein specified must be brought within thirty days after refusal of such certificate. Jurisdiction is hereby conferred upon the Circuit Court of Jackson County, Missouri, at Kansas City, and on any judge thereof, in vacation, on application of any tax-payer of said city, to restrain and enjoin the payment of any compensation for services rendered said city by any person by virtue of occupying any office or position coming within the competitive class of the classified service of the city who occupies such office or position under any appointment made in contravention of any provision of this article. The process above provided shall not be so construed as to limit or restrict the jurisdiction or power of said court to accord other adequate civil remedy necessary to effectuate the provisions of this article.

SEC. 31. Any person who shall wilfully, or through culpable negligence, violate any of the provisions of this article, shall be guilty of a misdemeanor, and shall upon conviction thereof in the Criminal Court of Jackson County, Missouri, at Kansas City, be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment in the

city workhouse for a term not exceeding six months or by both such fine and imprisonment, and the said Criminal Court is hereby vested with jurisdiction of violations of this article, in so far as enforcing fines and penalties is concerned. And it is hereby made the duty of the City Counselor to appear in said court on behalf of the city, and to prepare all informations for violations of this article, which shall be verified by the prosecuting witness or the City Counselor, and shall be prosecuted in the name of the city. Upon the filing of such verified information by said City Counselor specifying the acts or omissions of the accused constituting the alleged offense, in term time in said court, or with the clerk thereof in vacation a warrant shall issue for the apprehension of the person charged with the offense as provided by Section 2484 of the Revised Statutes of Missouri of 1899, and the trial and all proceedings shall be in accordance with the State law of Missouri applicable to proceedings upon information filed in a court of record, except that the City Counselor shall institute and conduct the same in the name of the city, as herein provided. The Prosecuting Attorney of Jackson County may also file information and conduct prosecutions in the name of the city in said court for violations of the provisions of this article.

SEC. 32. The Common Council shall have the power to pass all ordinances touching the Civil Service, the passage of which shall have been recommended by the Commission in writing duly certified thereon, provided the same are in no wise inconsistent or in conflict with any provision of this article.

SEC. 33. The provisions of this article shall extend to and govern the police department of the city whenever and so far as the State laws shall authorize or permit. Should the State enact a Civil Service law governing the police department of this city, this Commission is authorized to administer said law, should the State so provide.

ARTICLE XVI.

Franchises.

SECTION 1. The title of the city to and in its water front, wharf property, land under water, public landings, wharves, docks, highways, avenues, boulevards, streets, lanes, alleys, parks, public grounds and public places is hereby declared to be inalienable; *provided*, that nothing herein contained shall prevent the city from vacating any street or highway or part thereof in the manner provided for in this charter, nor for disposing of any building or parcel of land which the city may lawfully sell, no longer needed for public use, provided such disposition shall be made on open and public competition and pursuant to ordinance passed by at least two-thirds affirmative vote of all the members elect of each house of the Common Council.

SEC. 2. The city may grant for a limited time, and subject to the limitations and conditions contained in this charter, specific franchises, privileges, or rights in or relating to any of the public property or places mentioned in the preceding section, but the city shall have no power to grant any exclusive franchise, privilege or right for any purpose whatsoever; and, *provided*, that no such franchise, privilege or right shall be granted by both houses of the Common Council at the same meeting at which the ordinance providing therefor is introduced.

SEC. 3. All franchises hereafter granted or extended by the city shall have a time fixed therein for the expiration of such grant or extension; and if no time be fixed therein for their expiration or extension, then such franchise shall expire twenty years after the ordinance granting or extending the same takes effect. No franchise for any purpose whatever shall be granted or extended by the city for a longer period of time than thirty years unless the ordinance granting or extending such franchise shall be submitted to the qualified voters of said city, and ratified by a majority vote of said qualified voters voting at an election to be held for that purpose, and no such franchise shall be valid unless so ratified. Any ordinance, however, granting or extending a franchise for a term of thirty years, or for a term less than thirty years, may provide that the same shall not take effect or be valid unless ratified as above provided, and in every such case the ordinance shall not take effect or be of any validity until submitted to the qualified voters of said city, and ratified

by a majority of said qualified voters voting at an election to be held for that purpose. The expense of any special election called for a vote on such ordinance shall be paid by the grantee or grantees named in the franchise ordinance so submitted.

SEC. 4. The city may, by ordinance, direct and control the laying and construction of surface, elevated and underground railroads of any kind on, over or under the streets, avenues, highways and alleys of the city, and may require any such railroads, and all parts thereof to be constructed, laid and kept in repair so as to interfere as little as possible with ordinary travel and use of streets, avenues, highways and alleys, and may require the space between the rails and columns, and not less than eighteen inches on the outside thereof, and the space between all tracks and columns to be macadamized, paved, repaved, blocked, reblocked or improved, as the roadway beyond such limits may be macadamized, paved, repaved, blocked, reblocked or improved, and kept in repair by the person, persons or corporation owning or operating the same; this section shall apply to all such railroads heretofore constructed, and those hereafter to be constructed.

The city shall not grant the right-of-way on or over any street in said city to any person, persons or corporation for the construction of any railroad without the consent of the property owners owning a majority in front feet of the property fronting on each street between the points where such railroad is proposed to be constructed; nor shall any railroad be hereafter constructed, or laid down without such consent; and the city shall have power, by ordinance, to fix and regulate, from time to time, the hours and frequency of trips of street railroads, the fare to be charged for passage on any such railroad, and to require any such railroad, or any part thereof, to be lighted and guarded, and to designate the kind of rails and vehicles to be used, and shall have power to require the performance of any other condition, and the making of any other improvement that the Common Council may deem for the best interests of the city.

SEC. 5. It shall be lawful for the city to regulate and control the exercise by any person or corporation of any public franchise or privilege in any of the streets or public places of the city, whether such franchise or privilege has been or may be granted by the city or by or under the State of Missouri, or any other authority.

All persons, firms and corporations owning or operating telephone or telegraph lines, systems or exchanges or street railway lines and systems or a tunnel or subway, conduit or

viaduct, or engaged in furnishing gas, steam or electricity for lighting, heating or power, or engaged in furnishing light, heat or refrigeration under any franchise granted by the State of Missouri or the city of Kansas City, and all persons, firms and corporations owning or operating any other public utility under any franchise granted by the State of Missouri or the city of Kansas City are hereby required to charge no more for the service of such utility than such rates as shall be fixed, from time to time, by ordinance of the city. The city shall have power and authority to fix, by ordinance, the rates charged for the service of such utility within its corporate limits and to provide and enforce fines and penalties for the violation thereof, and to change such rates, by ordinance, from time to time, as often as may be deemed necessary; *provided*, however, that such rates must be reasonable and shall not be changed oftener than once every two years. Any such person, firm or corporation owning or operating any of the utilities mentioned in this charter, and claiming to be aggrieved by the rates fixed by any ordinance of the city, shall have the remedies herein provided to have the validity of such ordinance, and the reasonableness of such rates, determined by the Circuit Court of the County of Jackson at Kansas City. The party so complaining shall, as plaintiff, file in the Circuit Court within twenty days after the passage of such ordinance a petition against such city as defendant, setting forth the objections to such ordinance, whereupon summons shall issue and be served upon such city and proceedings had as in other cases. The plaintiff or defendant shall have the right of appeal to the proper appellate court of the State as in other cases. Said cause shall be speedily heard and determined, and shall have precedence in time in the Circuit and Appellate Courts over other civil actions. Nothing contained in this section shall be construed to mean that any power or jurisdiction is conferred upon said courts to fix such rates or regulate the charges of any such public utility.

SEC. 6. The city may, by ordinance, provide for and establish a committee or commission to make investigation into all facts and matters touching the establishment of such just and reasonable rate or rates charged, and the character of the service furnished, and such other matters as the Common Council may designate by ordinance, and after such investigation said commission shall report its findings and recommendations to the City Council. The city shall have power and authority, by ordinance, to require and enforce the production of books and papers and compel the attendance of witnesses before the Common Council or any duly established committee or commission for the purpose of ascertaining the facts under investigation.

SEC. 7. A uniform gauge shall be established by ordinance for all street railroads in Kansas City.

SEC. 8. All franchises and privileges heretofore granted by the city which are not in actual use and enjoyment, which the grantees thereof have not in good faith commenced to exercise within the time fixed for so doing by the ordinance granting the right, or by any ordinance extending said time, are hereby declared forfeited and of no validity unless said grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

SEC. 9. All rights and regulations and control which this charter gives to the city shall be construed as continuing rights, and the city shall not be held to have exhausted the right by one exercise thereof, either in the original ordinance by which any franchise may be granted, or by any subsequent ordinance.

SEC. 10. No ordinance creating, granting, extending, amending or altering any franchise, right or privilege to any person or corporation to make use, in whole or in part, of any street or streets, alley or alleys, or other public ground or grounds, whether on, under or above the surface thereof, shall become final and effective until sixty days after the enactment thereof and if within such sixty days after the enactment thereof a petition or petitions requesting that such ordinance shall be submitted to a vote of the qualified voters of said city, signed by voters of said city, who were qualified to vote at the last preceding general city election and aggregating in number not less than twenty per cent of the number of votes cast at the last preceding general city election for all candidates for Mayor, shall be filed in the office of the City Clerk, to which petition must be attached a certificate of a Notary Public of Jackson County, Missouri, stating that the Notary has good reason to believe, and does believe, that the signatures thereto are the genuine signatures of qualified voters of such city, which certificate shall constitute *prima facie* evidence of the genuineness and authenticity of such signatures, the Mayor and Common Council shall cause such ordinance to be submitted to the qualified voters of said city at a general or special election, and unless a majority of the votes cast for and against such ordinance at such election shall be in favor of the adoption thereof, such ordinance shall be null and void. Such petition shall be canvassed by the City Clerk, City Comptroller and City Counselor, who shall determine whether such petition contains the neces-

sary signatures required as above. Their finding shall be conclusive for all purposes, and they shall make certification of such finding to the Mayor, and a copy of such certificate shall be recorded in the office of the City Clerk and preserved among the archives of the city. Such election shall be called, held and conducted as may be prescribed by ordinance, and the certificate of the officer or officers at such time legally required to make such certificate as to the result of the election shall be final and conclusive. Such franchise ordinance shall not, in any event, be final and effective after the filing of such petition until approved by a majority vote at such election. If a special election be called for a vote on such ordinance, the person or corporation in whose favor such ordinance shall be enacted shall pay all costs and expenses of such election, and shall give bond with security satisfactory to the Mayor for the payment of such costs and expenses before the calling of such election.

If any person shall sign the petition above provided for with a name other than his own, or shall procure or attempt to procure any other person to do so, or shall procure or attempt to procure any signature to said petition by false or fraudulent statements, he shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars and by imprisonment for not longer than twelve months.

ARTICLE XVII.

Dramshops.

SECTION 1. Before an application for license to keep a saloon, beer house, tippling house or dramshop shall be received or filed by the City Auditor, there shall be endorsed thereon a certificate signed by the Board of Police Commissioners that such applicant has proved himself to be a person of good moral character. Whenever such application is presented to the Board of Police Commissioners, such Board shall cause notice, in writing, to be served by a policeman, upon every resident property owner in the block where such saloon, beer house, tippling house or dramshop is proposed to be located, designating a day not less than five days nor more than ten days after the service of such notice when remonstrances, if any, against the issuance of such license will be heard by such Board. Whenever such application so endorsed, as aforesaid, by said Board of Police Commissioners, shall be presented to the City Auditor, he shall issue a license to such applicant.

SEC. 2. Whenever it shall be shown to the Board of Police Commissioners, upon complaint of any person in writing, or whenever said Board shall become satisfied that any dramshop keeper of the city keeps a disorderly house, or a house that is a resort of minors, lewd or disreputable women, or of evil-disposed persons, the said Board of Police Commissioners may order the license of such dramshop keeper to be revoked, and from the date of such order of revocation, such dramshop keeper shall be deemed to have no license, and to be without authority of law to carry on a dramshop; and thereafter no license shall be granted to such person to keep a dramshop. Whenever such complaint in writing shall be made to the Board, or whenever the Board shall become satisfied that any dramshop keeper of the city keeps a disorderly house, or a house that is the resort of minors, lewd or disreputable women, or of evil-disposed persons, such Board shall order its Secretary to notify such dramshop keeper of the same, and set a day when such dramshop keeper may be heard; and such notice shall be served by a policeman by a copy thereof delivered to such dramshop keeper or any barkeeper in charge of said dramshop, and no license shall be revoked by said Board without notice thereof, and an opportunity to be heard, to said dramshop keeper.

SEC. 3. The Board of Police Commissioners shall, on the day next preceding any general or special election held in Kansas City, issue an order for the closing of all saloons, beer houses, tippling houses and dramshops on such election day, and give public notice of the issuance thereof. Said Board shall direct the Chief of Police to take the necessary steps to insure the strict enforcement of such order.

ARTICLE XVIII.

Miscellaneous Provisions.

SECTION 1. All ordinances, regulations and resolutions in force at the time this charter takes effect, and not inconsistent with the provisions thereof, shall remain and be in force until altered, modified or repealed by the Common Council.

SEC. 2. All measures and proceedings pending or under consideration in the Common Council or either House thereof at the time this charter takes effect and not inconsistent with the provisions thereof, shall remain unaffected by this charter and may be acted upon and disposed of the same as if they had originated under this charter.

SEC. 3. Any street paving or repaving or other public improvement declared to be necessary by any resolution which shall have been passed by both Houses of the Common Council of Kansas City, Missouri, prior to the time this charter goes into effect, shall be made and the tax bills in payment therefor shall be issued and all proceedings appertaining thereto shall be carried out under the provisions of the charter and ordinances existing at the time of the passage of the original resolution declaring such street paving or repaving to be necessary and the adoption of this charter or any ordinance thereunder shall in no wise affect the validity of or render illegal any proceeding of the Board of Public Works or Board of Park Commissioners or of the Common Council or of the City of Kansas City, or of any officer or agent thereof which has been or shall be had or carried out in accordance with the provisions of the charter and ordinances existing at the time of the passage of said original resolution, but any and all such proceedings shall be legal and valid.

SEC. 4. All rights of action, contracts, titles, fines, penalties and forfeitures accrued to the city before this charter goes into effect shall remain in existence in full force and effect, unaffected thereby, and may be prosecuted, recovered and received as fully in every respect as if this charter had not taken effect.

SEC. 5. All ordinances, resolutions and proceedings of the Common Council may be proved by the seal of the corporation

attested by the officer having charge thereof and when printed and published by authority of the city, the same shall be received in evidence in all cases and places by all courts without further proof.

SEC. 6. All recognizances, obligations and all other instruments entered into or executed by or to the city before this charter takes effect, and all fines, taxes, penalties and forfeitures due or owing to the city, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by this charter.

SEC. 7. All judicial proceedings of any kind or character and all condemnation proceedings growing out of the taking or damaging of private property for any public use, begun or pending at the time this charter takes effect, all contracts for the doing of any kind of public work whether to be paid for out of the revenue of the city or by special assessment or taxation, and all things done or to be done under or by reason of any such contract or the doing of any work thereunder, not completed and performed at the time this charter takes effect, shall in no wise be affected by this charter, and the same shall be conducted and prosecuted to completion and performance in every respect under the provisions of the charter and amendments thereof which this charter supersedes.

SEC. 8. The city, in taking an appeal or prosecuting a writ of error in any judicial proceeding, shall give bond as required by law; but it is hereby released from the obligation of law to furnish security therefor; every such bond shall be executed by the Mayor in the name of the City, under the corporate seal thereof, and shall be taken in all courts of this State as a full compliance with the law in such cases. In all actions brought by or against Kansas City, the inhabitants of the city may be jurors or witnesses if otherwise competent and qualified.

SEC. 9. All persons in office in the city at the time of the taking effect of this charter shall hold their offices until their successors are elected or appointed and qualified, and no officer of the city who was qualified to hold his office under the provisions of the charter which this charter supersedes shall be considered as disqualified to hold such office by reason of any additional disqualification contained in this charter and existing as to such officer at the time this charter takes effect, and any such officer shall be entitled to continue in his office notwithstanding the existence of such additional disqualification. In all cases

where the authority or duties pertaining to any office held by any person at the time this charter takes effect are either changed, increased or diminished by this charter, the authority and duties of the person holding any such office shall henceforth be measured and determined solely in accordance with the provisions of this charter pertaining to such office. The City Attorney in office at the time this charter takes effect shall continue to discharge the duties and receive the compensation of that office as defined and provided by the provisions of the charter and amendments thereof which this charter supersedes until the third Monday in April, 1910, anything in this charter to the contrary notwithstanding.

SEC. 10. Any lien on real property existing in favor of the State of Missouri, or of Kansas City, at or before the taking effect of this charter, for taxes and special assessments levied by such city, and all right, title and estate acquired by or vested in the State of Missouri or in Kansas City, by reason of the forfeiture or sale to the State or the city of any tract of land, town or city lot offered at public sale for taxes, or special assessment levied by such city, interest and costs due thereon, and not sold to others for want of bidders, are hereby assigned and transferred to and continued in such city; and all lands, town or city lots forfeited or sold to the State of Missouri or such city on account of taxes or special assessments levied thereon by the city, or sold to the city in action for taxes or special assessments levied thereon by the city, shall, from the taking effect of such charter, be deemed and taken to be forfeited and sold to the city. In all cases where certificates of purchase have at the time when this charter takes effect been made out in the name of the purchasers at any sale for such delinquent taxes or special assessments, the right to redeem from any such sale, or to a deed or deeds, shall not be affected or impaired by anything in this charter contained.

SEC. 11. A warrant shall issue in all cases in favor of Kansas City for a violation of any ordinance or other regulation upon information by the City Counselor or one of his assistants that such violation has been committed, or upon oath or affirmation of any person that such violation has been committed.

SEC. 12. The repeal of any law by the provisions of this charter shall not in any wise be so construed as to affect any right or liability acquired or accrued thereunder by or on the part of the city, or any person or body corporate. And this charter shall not in any manner affect any right, lien or liability

accrued, established or subsisting under and by virtue of the previous charter or any amendment thereto, but such right, lien or liability shall be enforced, and such action or proceeding shall be carried on in all respects as if this charter had not taken effect; nor shall this charter be in anywise so construed as to affect the right or liability acquired or accrued under the previous charter and amendments thereto, or on the part of the city, or any person or body corporate.

SEC. 13. Any notice, advertisement or publication required by this charter to be published shall be held to be well given, made and published, when the same is published for the required number of days in the newspaper doing the city printing on the day of the first publication thereof. In computing the number of days during which the publication is made, Sundays and legal holidays and all calendar days between the first and last publication shall be included and counted whether or not the paper is published on such days.

SEC. 14. All city improvements of whatever kind or character, including the erection of all public buildings, made or to be erected at the expense of the city, and including all work to be paid for in special tax bills, and all contracts made by the city or any Board, Department or officer thereof and all purchases of supplies or other property for the city, except as in this charter otherwise provided, shall be let by contract to the lowest and best bidder as shall be prescribed by ordinance; *provided*, however, that nothing in this section shall be so construed as to prevent repair and maintenance by day's work of streets, alleys and other public places, curbing, sidewalks, sewers, culverts, buildings or other city property, so far as may be necessary, under the direction of the Board or Department having control, management or jurisdiction of such work.

SEC. 15. The Mayor, each member of the Common Council, Chief of Police, and all Police Officers, shall be conservators of the peace and all officers of the city created conservators of the peace by this charter, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, any person who shall break the peace or be found violating any ordinance of the city or the laws of the State, and commit for examination, and if necessary detain such person or persons over night, or on the Sabbath, in the city prison or any other place, or until they can be brought before the Judge of the Municipal Court, or other proper officer, and shall have and exercise such other powers as conservators of the peace as the city may prescribe.

SEC. 16. The City Treasurer shall, on demand of any party, give to such party a certificate signed by him showing all unpaid taxes, if any, and all outstanding tax-sale certificates, if any, against any lot or parcel of land mentioned in the demand, as appears by the books and records in his office and by the book of sales in the Auditor's office, or if there are none the certificate shall show that fact. For such certificate a fee, of ten cents for each lot or parcel of land shall be collected by the City Treasurer, and shall belong to the city as a part of the general fund. The Treasurer shall have access at all times to the books of sales to make searches for certificates.

SEC. 17. The City Clerk shall, on demand of any party, give to such party a certificate signed by him referring to all ordinances of the city, if any, for condemnation of land for public use under which proceedings have been or may be taken, and in the course of which proceedings any lot or parcel of land mentioned in the demand has been or is liable to be assessed with special benefits. For such certificate a fee of ten cents for each lot or parcel of land shall be collected by the City Clerk, and shall belong to the city as a part of the general fund.

SEC. 18. In case any elective or appointive officer of the city shall be necessarily absent from the city, or unable from sickness or any other cause to discharge the duties of his office, the Mayor, or if such officer shall have been elected or appointed by any Board, Commissioner or other officer, then such Board, Commission or other officer, may fill such office temporarily by appointment, such appointment to be recorded by the City Clerk and the appointee to hold and discharge the duties of the officer whose place may be thus filled temporarily until he shall return or become fit for and enter on duty. Officers thus temporarily appointed shall qualify and give such bond as may be required by ordinance.

SEC. 19. All persons holding any office under the city whether elective or appointive, shall be required to engage in the actual work of the office so held, to the extent that their services may be necessary for the full and complete discharge of the duties of said office, and a failure to do so shall be grounds for removal by the proper authority.

SEC. 20. All licenses issued by the city shall expire on January fourth or July fourth of each year, except as otherwise provided in this charter.

SEC. 21. All bonds given to or for the benefit of the city pursuant to this charter or any city ordinance and not by this charter required to be otherwise approved, must be approved by the City Comptroller, and all bonds except the official bond of the City Comptroller, must be filed and left with the City Comptroller as the official custodian thereof. No appeal bond from any judgment of any Municipal Court shall be accepted unless the same be first approved by the Comptroller. The city shall pay the premium on all bonds required to be given to the city by officers serving without compensation, conditioned for the faithful discharge of official duties.

SEC. 22. The members of Boards provided for by this charter who receive no compensation for their services shall be allowed their actual expenses incurred in the discharge of their duties, which expenses shall be allowed and paid as other expenses and disbursements of said Boards.

SEC. 23. A general election of all officers of the city required to be elected by this charter, or under any ordinance of the city, shall be holden on the first Tuesday after the first Monday in April, in the year A.D. 1910, and every two years thereafter on the same Tuesday of the same month.

All elections shall be by ballot and continue for one day only.

Unless otherwise provided by law, the polls shall be opened at six o'clock in the morning and be closed at seven o'clock in the evening, and shall not be closed during that time under any pretext whatever.

All persons qualified as electors under the constitution and laws of the State of Missouri, being duly registered, shall be deemed qualified voters at all elections.

SEC. 24. In providing for elections, precincts shall be made by the Common Council of the city of compact and contiguous territory regarding ward lines.

SEC. 25. Every person who shall bet or wager by any means whatever any money or other valuable thing, or shall sell or purchase any pools on the result of any election authorized by this charter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars; and any person who shall keep or maintain within the city a place where such bets or wagers are made, or where pools are sold and purchased on such election, shall be deemed guilty of a separate misdemeanor for every

day such place shall be so kept or maintained, and for each such offense he shall be punished by a fine not exceeding five hundred dollars.

SEC. 26. The fiscal year of the city shall begin at high noon on the third Monday in April of each year and extend to high noon on the third Monday in April following, and shall be known and designated for all purposes by the number of the calendar year in which such fiscal year begins. All elective city officers provided for in this charter shall enter upon the duties of their offices at the beginning of the fiscal year next following their election. All appointive officers shall enter upon the duties of their offices as soon as appointed and qualified.

SEC. 27. Whenever it is provided in this charter that the members of any Board, Department or Commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered in the records of their proceedings, and a copy thereof, certified by the Secretary thereof and signed by all of said members, shall be filed with the City Clerk. In every case such classification must be made at the first meeting of the Board, Department or Commission.

SEC. 28. The Departments, Boards, Commissioners and Officers provided for in this charter shall be entitled to the possession of all papers, books, documents, maps, plats, records and archives in the possession or under the control of those respectively who are superseded under this charter by such Departments, Boards, Commissioners and Officers.

SEC. 29. All special elections not otherwise provided for, shall be held under such regulations as may be prescribed by ordinance. Subject to the constitution and laws of the State governing the city, provision may be made by ordinance for the holding of any election for any lawful purpose, and for conducting the same and ascertaining and declaring the result thereof and making a proper record to evidence the results.

SEC. 30. Kansas City is hereby declared to be the legal successor of the City of Kansas and shall be entitled to all the property and rights of every nature whatsoever standing in the name of or belonging to the City of Kansas, and the same shall inure to and be vested in Kansas City. All proceedings now pending in the name of the City of Kansas shall be continued in such name and shall remain unaffected by the adoption of this

charter. And Kansas City shall be held to be a continuous body politic and corporate without interruption under each and all the successive charters and amendments thereof from the original incorporation of the City of Kansas, and the City of Kansas City as well as under this charter.

SEC. 31. The Common Council may by ordinance, from time to time, within the limits of and in conformity with the provisions of the constitution of the State, as now amended, or as it may hereafter be amended, submit to the qualified voters of the city, at any special or general election, a proposition or propositions that the city issue its bonds to an amount not exceeding the limit authorized by the constitution of the State of Missouri, as now amended, or as it may hereafter be amended; *provided*, that such bonds shall not be sold for less than their par value; and *provided*, further, that the proceeds of said bonds shall be applied to the construction of public sewers within the limits of the city, or to such outlets outside the limits of the city, or to acquiring the right-of-way therefor, as may be deemed by the Common Council necessary to secure proper drainage; or to the purchase of lands within or without the limits of the city, for public parks or boulevards, or to improving, adorning or beautifying public parks or boulevards; or to the purchase of lands for public squares; or to the purchase of sites for market houses; or to the construction, equipment, improvement, extension or enlargement of market houses; or to the purchase of sites for hospitals, or to the construction, equipment, improvement, extension or enlargement of hospitals; or to the making of extensions, enlargements, improvements, or betterments of the waterworks; or to the payment for land or right-of-way acquired by purchase or condemnation, within or without the limits of the city, or within or without the limits of the State of Missouri, for the waterworks; or to any other public improvement or purpose, of any nature or kind whatsoever, whether herein specifically enumerated or not; and *provided*, further, that the Common Council shall, in submitting any such proposition or propositions, to issue bonds, expressly specify the amount of bonds to be issued for each particular purpose.

And, *provided*, further, that within the meaning of the proviso, next immediately preceding, the construction of public sewers within the limits of the city, and the construction of outlets therefor outside the limits of the city, and the acquiring of the rights-of-way therefor, or any one or more of said objects shall be deemed one particular purpose; the purchase of lands within and without the limits of the said city for public parks or boulevards, or both, or any one or more of said objects, shall

be deemed one particular purpose; the improving, adorning and beautifying parks or boulevards, or both, or any one or more of said objects shall be deemed one particular purpose; the purchase of land for public squares shall be deemed one particular purpose; the purchase of sites for market houses, and the construction, equipment, improvement, extension and enlargement of market houses, or any one or more of said objects shall be deemed one particular purpose; the purchase of sites for hospitals, and the construction, equipment, improvement, extension and enlargement of hospitals, or any one or more of said objects, shall be deemed one particular purpose; the making of extensions, enlargements, improvements and betterments of the waterworks, and the payment for land and the right-of-way acquired by purchase or condemnation or both, within or without the limits of the city, and within or without the limits of the State of Missouri for waterworks, or any one or more of said objects, shall be deemed one particular purpose.

The amount of bonds issued by the city, bearing date July 1, 1895, for acquiring waterworks, and all bonds hereafter issued in renewal of said bonds, or any portion thereof, shall not be included in the computation of the existing bonded indebtedness of said city in determining the amount of bonds authorized to be issued by said city, with the assent of two-thirds of the voters under the provisions of Article ten (X) of the Constitution of the State of Missouri, as now amended or as the same may hereafter be legally amended; but the city shall be authorized to issue bonds with the assent aforesaid to an amount including outstanding indebtedness, other than that above named, to the amount of five per centum of the value of the taxable property in said city, to be ascertained in the manner provided by the said constitution of the State of Missouri, by the assessment next before the last assessment for state and county purposes, previous to the incurring of such indebtedness. Such bonds shall be in denominations of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) each, payable to bearer, in not less than five (5) nor more than twenty (20) years from the date thereof, with interest from date not exceeding five (5) per cent per annum, payable semi-annually; and shall have interest coupons attached to conform to the face of the bonds; and such bonds shall be under the seal of the city, signed by the Mayor, attested by the City Clerk, countersigned by the City Comptroller, and in all respects shall be in such form, and issued and sold in such manner as may be prescribed by ordinance.

The city shall, before or at the time of issuing such bonds,

provide for the collection of an annual tax, sufficient to pay the interest on the bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof at maturity.

SEC. 32. All provisions contained in this charter which are the same as provisions contained in the charter of the city or any amendment thereof, which this charter supersedes, shall be taken, held and construed as continuing such provisions of said superseded charter and amendments in uninterrupted force and effect, and all acts, things and proceedings done or had thereunder are hereby reaffirmed in all things, whether the same have been completed or are in process of being carried out, or have been merely authorized and the same authorized to complete all such acts, things and proceedings shall continue as if said superseded charter and amendments thereof had not been superseded by this charter.

SEC. 33. The second Thursday in May of each year is hereby named as a day to be known and observed in Kansas City as "Charity Day," on which appropriate measures may be taken for alleviating the condition of the poor and needy.

SEC. 34. This charter may be amended at any time by a proposal therefor made by the law-making authorities of the city, published for at least thirty days in three newspapers of the largest circulation in the city, one of which shall be a newspaper printed in the German language, and accepted by three-fifths of the qualified voters of the city voting at a general or special election. The city may, by ordinance, subject to all laws, provide as to the form of submitting to such voters at any election any proposed amendment, and for ascertaining the results of the election on such proposed amendment, and making proper record of the fact.

SEC. 35. In case there be filed with the City Clerk at any time a petition or petitions signed by qualified electors of Kansas City, numbering not less than ten per cent of the whole number of votes cast for all candidates for Mayor at the last preceding city election, requesting the law making authorities of the city to submit to the qualified electors of the city a proposal for an amendment to this charter as in said petition or petitions set forth, the said law-making authorities of the city may submit such proposal for an amendment in the manner provided in the next preceding section.

SEC. 36. This charter is declared to be a public act, and may be read in evidence in all courts of this State without proof.

Done at Kansas City, this 6th day of July, A.D. 1908.

J. V. C. KARNES,
WALTER J. BALES,
WM. P. BORLAND,
CHARLES CAMPBELL,
FRANKLIN D. CRABBS,
ANDREW F. EVANS,
R. J. INGRAHAM,
ROBERT B. MIDDLEBOOK,
JOHN A. MOORE,
JOHN H. THACHER,
FRANK W. TUTTLE.

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The Board of Freeholders further returns the two following sections to be submitted and presented for the choice of the voters, in the alternative, to be voted on separately, and accepted or rejected separately, without prejudice to other articles or sections of this charter, and, if either of said sections be adopted, it shall be known as section thirty of Article IV of this charter, to-wit

ALTERNATIVE SECTION THIRTY, ARTICLE IV.

ALTERNATIVE NUMBER ONE.

SEC. 30. In addition to the method otherwise provided in this charter for the removal of elective officers, the holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to affect the removal of an incumbent of an elective office shall be as follows:

A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least thirty per cent of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor to the person sought to be removed, shall be addressed to the Comon Council and filed with the City Clerk and said petition shall contain a general statement of the grounds for the removal as sought. The signatures to the petition need not be appended to one petition, but each signer shall add to his signature, his place of residence, giving the street and number. Each such paper shall have added thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereto subscribed. Within ten days from the date of filing such petition, the said Clerk shall examine and ascertain whether or not said petition has a requisite number of signatures, and if necessary, the Council shall allow him extra help for that purpose, and he shall attach to the petition his certificate of the result of such examination, and deliver the same to the Council. If by the Clerk's certificate the petition is shown to be insufficient it may be amended within ten days from the delivery of such petition and certificate to the Council. The Clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the Clerk shall submit the same to the Council without delay, and the Council shall thereupon order a day for holding the said election, not less than thirty days nor more than forty days from the date of the Clerk's certificate to the Council that a sufficient petition is filed.

The City Council shall make, or cause to be made, publi-

cation of notice, and all arrangements for the holding of such election, and the same shall be conducted, returned, and results thereof declared in all respects as for other city elections. The successor of any officer so removed, shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the Clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes the incumbent shall thereupon be deemed removed from his office upon the qualification of his successor. In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

ALTERNATIVE SECTION THIRTY, ARTICLE IV.

ALTERNATIVE NUMBER TWO.

SEC. 30. City officers elected by the people shall retain their official positions to the end of their respective terms of office, and until their successors are elected and qualified, unless sooner removed for cause, and shall not be subject to removal on petition of electors.

Done this 6th day of July, A.D. 1908.

J. V. C. KARNES,
 WALTER J. BALES,
 WM. P. BORLAND,
 CHARLES CAMPBELL,
 FRANKLIN D. CRABBS,
 ANDREW F. EVANS,
 R. J. INGRAHAM,
 ROBERT B. MIDDLEBOOK,
 JOHN A. MOORE,
 JOHN H. THACHER,
 FRANK W. TUTTLE.

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C. J. Hubbard and D. J. Haff as two of the Freeholders-elect participated in the preparation of the above charter, but on account of their absence from the State at the time the charter is returned, have been unable to sign the same.

Received this 6th day of July, 1908, the foregoing draft of the proposed charter for Kansas City, Missouri.

THOMAS T. CRITTENDEN, JR.,

Attest: Wm. CLOUGH,
City Clerk.

Mayor.

(Seal of Kansas City, Missouri.)







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